

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 10

In the Matter of:

Amazon.Com Services, LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and
Department Store Union,

Petitioner.

Place: Atlanta, Georgia (Via Zoom Videoconference)

Dates: May 19, 2021

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UNITED STATES OF AMERICA
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AMAZON.COM SERVICES, LLC,

Employer,

and

RETAIL, WHOLESALE AND
DEPARTMENT STORE UNION,

Petitioner.

Case No. 10-RC-269250

The above-entitled matter came on for hearing, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board via Zoom videoconference, on **Wednesday, May 19, 2021, 9:00 a.m.**



A P P E A R A N C E S

On behalf of the Employer:

HARRY I. JOHNSON, III, ESQ.
MORGAN, LEWIS & BOCKIUS, LLP
2049 Century Park East
Suite 700
Los Angeles, CA 90067
Tel. (310)255-9005

THOMAS SCROGGINS, ESQ.
CONSTANGY BROOKS, SMITH & PROPHETE LLP
2 Chase Corporate Drive
Suite 120
Birmingham, AL 25244
Tel. (205)226-5472

On behalf of the Petitioner:

GEORGE N. DAVIES, ESQ.
RICHARD P. ROUCO, ESQ.
QUINN, CONNER, WEAVER, DAVIES AND ROUCO, LLP
20th Street North
Suite 930
Birmingham, AL 35203
Tel. (205)870-9989

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Rob Street		1271	1331	1338	
Bradley Moss	1346	1369			

E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**Employer:**

E-84

1356

1358

1 **P R O C E E D I N G S**

2 HEARING OFFICER MEYERS: Let's go on the record, please.

3 Mr. Street, just a reminder you are still under oath.

4 Whereupon,

5 **ROB STREET**

6 having been previously sworn, was called as a witness herein
7 and was examined and testified as follows:

8 HEARING OFFICER MEYERS: At this time, I'm going to turn
9 it over to the Union's counsel, who have some questions for
10 you.

11 Mr. Davies, are you here?

12 MR. DAVIES: Hi. Yes, I'm going to -- sorry. I
13 interrupted you.

14 HEARING OFFICER MEYERS: That's okay. I was going to say,
15 is it you or Mr. Rouco who is going first?

16 MR. DAVIES: Mr. Rouco.

17 HEARING OFFICER MEYERS: Okay. Well, then I will turn it
18 over to Mr. Rouco.

19 MR. ROUCO: Thank you.

20 **CROSS-EXAMINATION**

21 Q BY MR. ROUCO: Good morning, Mr. Street. Can you --

22 A Good morning. Yes, sir.

23 Q Can you -- can you hear me clearly?

24 A Good morning to you.

25 Q You -- you froze up a little bit on me. Can you hear me



1 through your headset?

2 A I can hear you, that's -- you -- you were freezing up.

3 Q I'm freezing up, also?

4 A Yes, sir.

5 Q Hopefully, it's not on my end. But let's see if we can
6 get -- we can sort of work our way through this.

7 Mr. Street. As I understand it, you're in charge of loss
8 prevention at BHML; is that correct?

9 A That is correct.

10 Q And is it the job loss prevention to monitor all activity
11 on the property of BHML?

12 A Yeah.

13 Q I'm sorry. You froze up a little bit on me. Was the
14 answer --

15 A You were freezing up -- you were freezing up, as well.
16 I'm hearing every other word.

17 Q I apologize. Now, to assist in -- in this monitoring of
18 activity at BHML, is it correct that loss prevention uses a
19 network of both interior and exterior cameras?

20 A Sir, you were (audio interference) that you're saying?

21 HEARING OFFICER MEYERS: Mr. Street, I have a feeling that
22 the problem is on your end. Because I'm hearing Mr. Rouco.

23 Mr. Johnson, are you having the same problem?

24 MR. JOHNSON: I mean, I think both of them are a little
25 warbly, but it's probably more on Mr. Street's end. He's on a

1 different Wi-Fi than I am.

2 HEARING OFFICER MEYERS: Ah, okay.

3 MR. JOHNSON: So I -- it's not because no splitting a
4 signal.

5 THE COURT REPORTER: Yeah. The court --

6 HEARING OFFICER MEYERS: Okay. (Audio interference) get
7 them hard wired?

8 THE COURT REPORTER: Yeah, because the court reporter
9 is --

10 HEARING OFFICER MEYERS: Whatever it's called where you
11 plug it in.

12 MR. JOHNSON: Yeah, I'll have to run upstairs and check.
13 That's going to take me a bit of time, but I'm happy to do it.

14 HEARING OFFICER MEYERS: Can we -- can we do that? I
15 really want him to be able to hear, and I think that we'll get
16 more effective cross-examination. So I don't want that to be
17 an issue.

18 MR. JOHNSON: Okay, Can we just say 20 minutes, and I'll
19 do whatever I can?

20 MR. ROUCO: That's fine.

21 HEARING OFFICER MEYERS: Okay. Let's take 20 -- let's
22 take 20 minutes. We'll be off the record until 10:25. We'll
23 reconvene, hopefully, with better internet, Wi-Fi, for Mr.
24 Street.

25 MR. JOHNSON: Okay, thank you.

1 HEARING OFFICER MEYERS: Thank you.

2 Off the record.

3 (Off the record at 9:04 a.m.)

4 HEARING OFFICER MEYERS: On the record.

5 **RESUMED CROSS-EXAMINATION**

6 Q BY MR. ROUCO: Yes. I apologize for that, Mr. Street.

7 But I believe the last question I asked was that, in order to
8 assist in monitoring activity at BMH1, loss prevention uses a
9 network of interior and exterior cameras; is that correct?

10 A Correct.

11 Q And the monitoring of activity at BHM1 also involves the
12 use of security personnel; is that right?

13 A For alarm responses, yes.

14 Q Now, when you say "for alarm responses", what do you mean
15 by that?

16 A So if we have an alarm go off, example, on an emergency
17 exit door, standard work for the security would be not only to
18 investigate in person, but also utilize the camera that is on
19 that exterior door to try to figure out why it went off.

20 Q And is that -- is not a function that's done by the Allied
21 Universal Security personnel?

22 A Function, as in what?

23 Q Is that something that they do? Is a part of their
24 duties, is to respond to alarms?

25 A Yes.



1 Q And the Allied Security personnel, I think you testified
2 there are about 35; is that fair?

3 A Twenty -- 25 to 30.

4 Q 25 to 30, and how many are on the premises at any given
5 time?

6 A So first shift, we have six officers. Second shift, we
7 have six officers. And third shift, we have five officers.

8 Q And the six officers for each shift, the officers that are
9 on shift, where are they located?

10 A So we have the account manager or supervisor located at
11 the guard desk, which is located inside the screening area,
12 inside of the turnstiles. We have two officers who are
13 assigned to the screening area, as well. So one is responsible
14 for inbound screening, and one is responsible for outbound
15 screening. And then, we would have three officer that will be
16 responsible for roving the interior of the building.

17 Q Or are any of the Allied Universal Security personnel
18 responsible for patrolling what goes on the exterior of the
19 building?

20 A Not as standard work.

21 Q Excuse me? I didn't -- you broke up a little bit.

22 A Not as part of their standard work unless asked.

23 Q Have you -- under what circumstances would Amazon ask an
24 Allied Security personnel to go outside and check on security
25 situation?

1 A Parking violations, to move barriers for contractors
2 entering the parking lot, or emergency personnel. They will
3 also be utilized to flag emergency personnel into the site if
4 911 had been utilized.

5 Q So is there -- it there -- is Allied, for any type -- not
6 just Allied. Any type of security personnel who's monitoring
7 who's parking in the -- in the parking -- who's entering the
8 premises?

9 A Can you repeat the question?

10 Q Is there -- is there any person assigned to monitor who is
11 entering the property of BHM1?

12 A No.

13 Q Do security personnel use security logs?

14 A They provide a pass-down log at the end of their shift.

15 Q I'm sorry. Again, I'm having a hard time hearing you. I
16 apologize. They pass out what?

17 A They provide -- they provide a pass-down log at the end of
18 their shift, which would indicate their duties for that day.

19 Q Okay. Do the -- is there any report that they fill out
20 when there's a security incident?

21 A Yes.

22 Q And what is that report called?

23 A There is an Allied event report that they fill out for any
24 event on site that they keep on file for Allied.

25 Q Do you know, during the period of February 4th through

1 March 29th -- I'm going to refer to that in the balloting
2 period. But did you have knowledge of whether the US Postal
3 Service visited BHM1?

4 A Yes.

5 Q And how did you acquire that knowledge?

6 A I observed, or was I notified, that there were contractors
7 on site installing a mailbox. I came up to the front of the
8 building to validate that they were supposed to be there. And
9 once I confirmed that they had Amazon business to be on the
10 property, I disengaged and went back inside.

11 Q Okay. There's -- that's -- you're -- what you're
12 referring to the installation of a cluster box; is that right?

13 A Correct.

14 Q And does the --- when the Postal Service services that
15 cluster box, does anyone record that they have done so?

16 A No.

17 Q Do you know how frequently the Postal Service was
18 collecting mail from the cluster box?

19 A I do .

20 Q Do you know whether anyone knows that?

21 A I do not.

22 Q See any reports that mail had been collected from the
23 cluster box during the ballot -- balloting period?

24 A No.

25 Q Would this be a function that someone in the office would

1 be responsible for tracking?

2 A Not to -- not to my knowledge.

3 Q Well, how does -- if you've got a mailbox out there, I
4 mean, who -- who is checking the mailbox?

5 A That doesn't fall under my scope of responsibility, so I
6 do not know the answer to that question.

7 Q Okay, so you don't know who -- and do -- do you provide
8 security for that mailbox?

9 A I do not.

10 Q So no one -- no one watching what happens to that mailbox,
11 is that what you're saying?

12 A Correct.

13 Q So if mail -- so if property is coming in that belongs to
14 Amazon, it's not part of your security function to seek to make
15 sure that nobody inappropriately opens that mailbox and takes
16 stuff that belongs to Amazon?

17 A If property were to be delivered to the site, it would be
18 delivered to the back truckyard, dock 101. We do not accept
19 physical deliveries to the front of our building.

20 Q Well, how about mail?

21 A I don't track the mail or receive the mail, so I can't
22 speak to that.

23 Q Do you know whether it was -- do you know whether BHM1
24 received any mail at that cluster box during the period of
25 February 4th and March 29th?

1 A I do not.

2 Q Who would know that, if you know?

3 A I -- could be speculation, so I wouldn't be able to answer
4 that.

5 Q All right. Now, you were ask a lot of questions about
6 cameras on that facility; is it correct that there are 30
7 exterior cameras?

8 A Correct, there -- there are 30 exterior cameras on the
9 front-south side of the building, which is the front of BHM1.

10 Q And are there -- -- you described glass globes, right?
11 You were shown some pictures of those globes; are there more
12 than one camera inside each globe?

13 A No, there's one camera inside each, mount -- mounted.

14 Q So there are 30, then, cameras that are pointing into the
15 employee parking lot; is that right?

16 A Correct.

17 Q And those globes, and I'm just going to refer to them as
18 cameras, those are -- those are visible to the naked eye,
19 right?

20 A The globe and the mountain is visible to the naked eye,
21 not the camera that's inside it.

22 Q So employees can't tell whether that camera is moving in
23 any way; is that right?

24 A Correct.

25 Q And they can't tell what -- what -- how it's focused or

1 where it's pointing; is that right?

2 A Correct.

3 Q Now, does -- so you would agree that those 30 cameras that
4 are mounted on the building record the activity that goes on in
5 the parking lot; is that right?

6 A Yes.

7 Q And does leadership, to your knowledge, use the same
8 parking lot that associates use?

9 A Yes.

10 Q So when a manager comes in, it's -- it's likely that they
11 might, in fact, park right next to an associate; is that right?

12 A Could, yes.

13 Q In other -- in other words, there's no area that's just
14 designated for leadership; is that right?

15 A Correct. There's -- there's no designated area.

16 Q Okay. Do you have Exhibit Number 48 in front of you?

17 A Yes.

18 Q Now, that exhibit are -- those are the four cameras that
19 you've testified to that can look into the parking lot where
20 the mailbox is located; is that right?

21 MR. JOHNSON: Are you going -- excuse me. Are you going
22 to put it up on the screen? Or do you just want us to follow
23 along with this?

24 MR. ROUCO: Well, I mean, we can put it on the screen if
25 that helps.

1 MR. JOHNSON: It's fine. I think the witness and I both
2 have paper copies, but I don't know if the hearing officer
3 does.

4 HEARING OFFICER MEYERS: Madam Bailiff, do you -- do you
5 have access yet?

6 THE BAILIFF: Yes.

7 HEARING OFFICER MEYERS: Okay. Can you put 48 up for me,
8 please, Employer's Exhibit 48?

9 THE BAILIFF: Will do. Employer Exhibit 48, I am showing
10 up to Employer Exhibit 36 in SharePoint right now. Has it been
11 loaded?

12 MR. JOHNSON: Yes, 48 was there yesterday, maybe even the
13 day before yesterday. You may want to scroll up to the top,
14 Madam Bailiff.

15 THE BAILIFF: Got you. Oh, I see it. Thank you.

16 Q BY MR. ROUCO: Now, Mr. Street, what's being displayed as
17 Employer 48 is an exhibit you've already testified to that; is
18 that right?

19 A Yes, sir.

20 Q And as so I understand your testimony, there are at least
21 four cameras that are pointed in the direction of the mailbox;
22 is that right?

23 A Correct.

24 Q And am I correct, also, in stating that employees, when
25 they look at the building and they see the camera, they can't

1 really tell when the camera is pointing to; is that right?

2 A Correct.

3 Q And the -- the -- the closest camera is 1121; is that
4 right?

5 A The closest camera that has a view of the mailbox, or the
6 tent around the mailbox, was 1121, yes.

7 Q And -- and that camera, that is right next to the main
8 entrance to the building; is that right?

9 A It's located on a darker color bump out that is to the
10 west side of the main entrance.

11 Q And this is -- this main entrance is where most employees
12 come in when they report to work; is it right?

13 A It's where all employees report. It's the only entrance
14 we have.

15 Q Okay, so they -- so they -- so there's no other way that
16 they can get into the building, other than through the main
17 entrance; is that right?

18 A That is --

19 Q Or they shouldn't be able to?

20 A That is -- it is the -- it is the only correct entrance
21 for them to enter into the building to have accountability in
22 standard work, yes.

23 Q Now, are there also cameras inside the foyer area when you
24 enter the main building?

25 A Yes.

1 Q Okay, and those cameras record who is coming in; is that
2 right?

3 A They record the foyer, and that would include people
4 walking in.

5 MR. ROUCO: You could take -- if he -- you can take down
6 48.

7 Q BY MR. ROUCO: And I'm sorry. You set the record date
8 they record -- they -- they record an individual as he enter
9 the building; is that right?

10 A They record the foyer, so that would include individuals
11 walking into the building.

12 Q And it also would include individuals exiting the
13 building, right?

14 A Correct.

15 Q Now, if Amazon wanted to, it could reconstruct who came
16 from the tent into the building by looking at different
17 cameras, right?

18 A They could.

19 Q And same thing, if Amazon wanted to, it could reconstruct
20 the individuals as they exit the building, as he walk over to
21 where the tent is; is that right?

22 A They could.

23 Q Now, how many cameras are inside the building?

24 A The total camera count is about 1,313 cameras.

25 Q Okay, and only 30 of those are -- well, are there other

1 exterior cameras, like around the dock area?

2 A Yes, there's a total of 82 to 85 cameras on the exterior
3 of our building, including the west and east side, and the
4 trailer yard, which is the north side behind the fencing area.

5 Q So then, I'm -- I'm not that great at math. So is it fair
6 to say that there are approximately 900 cameras that are inside
7 the building?

8 A Give or take more, yes.

9 Q And it's fair to say, then, that all the activity that
10 occurs on the floor of that building is recorded by a camera?

11 A No.

12 Q Okay. I said on the -- on the floor of the -- on each of
13 the floors where there's fulfillment work being performed, is
14 all of that recorded by a security camera?

15 A There isn't a camera that covers every part of the
16 building, so there are spots that are not -- not viewable by
17 camera.

18 Q Is it something like the bathroom?

19 A Bathroom, parts of our operational floor.

20 Q Okay, and the cameras that are inside the building, those
21 are visible to employees; is that right?

22 A Correct.

23 Q And Amazon communicates to the employees that there's an
24 extensive work -- network of cameras, right?

25 A Correct.

1 Q Now, with respect to the exterior cameras, has Amazon ever
2 sent a text-all to employees informing them of what the
3 capabilities of those exterior cameras are?

4 A I don't know, but I don't believe so.

5 Q Okay. In other words, that -- you know, that -- and by
6 "capabilities", I mean that the cameras, as you testified, are
7 fitted to a certain ability to zoom out. Has that information
8 never been communicated to employees about those cameras?

9 A I don't believe so.

10 Q Okay. Has there ever been an -- is it called an acid
11 screen? How is it --

12 A Acid screen, acid --

13 Q How is that spelled?

14 A A-C-I-D.

15 Q As in acid, okay.

16 A Yes, sir.

17 Q So do you know, have you ever seen an acid screen message
18 to employees informing them again about the capabilities of the
19 exterior cameras?

20 A No.

21 Q How about a message in the A to Z app providing similar
22 information on the capabilities of the exterior cameras?

23 A Not that I remember.

24 Q Do you recall at all whether Amazon communicated in any
25 way to employees during the balloting period that loss

1 prevention was not reviewing the recordings made by exterior
2 cameras unless an emergency was reported?

3 A I -- I don't -- I don't remember exactly what
4 communication was sent out in Text-Em-Alls. In reference to
5 the tented area, I do recall that it specified other things,
6 but I don't recall if it mentioned cameras.

7 Q Well, I mean, did -- you don't recall seeing any message
8 to employees that, during the balloting period, the cameras
9 will not be -- or footage of these cameras will not be reviewed
10 by loss prevention; is that right?

11 A That is right.

12 Q You didn't -- if such a message had gone out, that would
13 be something that you would be aware of, right?

14 A Yes.

15 Q Right, because disclosing the capabilities or what, you
16 know -- well, let me rephrase this. Disclosing what security
17 is actually doing during a particular period raises the
18 security risk, right?

19 A It could.

20 Q Right, and likewise, disclosing the capabilities of what
21 those cameras can -- can record also is viewed as a security
22 risk, right?

23 A It could.

24 Q Right, because if you give that information, people may be
25 able to evade it, the security cameras, right?

1 A That would be your assumption. I -- I

2 Q Well, as a security expert, that -- you don't want that
3 information to be out there, right?

4 A I don't see the harm in it, but I don't necessarily agree
5 with that.

6 Q Okay. Did you -- did -- to your knowledge, did Amazon in
7 any -- communicate in any way to employees that, during the
8 balloting period, security personnel were instructed to stay
9 away from the cluster box?

10 A I do not recall that information being shared with our
11 associates.

12 Q And I think you testified earlier about there was an email
13 that was sent out that included loss prevention saying you
14 should stay away from the ballot -- or from that cluster box;
15 remember that email?

16 A Yes, that email was sent to the BHMI boss list, which
17 would be only leadership. We would not include our associates
18 on that communication.

19 Q So to your knowledge, have the associates ever been told
20 that the -- that the leadership had received this instruction?

21 A I don't believe so.

22 Q Okay. Now, during the balloting period, were
23 there -- were there activities that were going on outside the
24 front entrance of the -- of the building?

25 A Could you specify "activities"?

1 Q Well, there were -- there were -- were there -- there were
2 some tents that were set up right out -- as you come out of the
3 building, there's, like, a row of tents that were set up; do
4 you recall that?

5 A Those tents have been there since March of 2020.

6 Q Okay, and -- and did Amazon leadership use those tents to
7 do promotional activities?

8 A I believe the tents were installed previously for
9 protection to the elements or weather.

10 Q And I understand that. I mean, I'm not -- I -- I
11 understood that there were -- they may have been installed for
12 a certain purpose. But have they -- have you observed them
13 being used by Amazon leadership or the HR department to engage
14 in promotional activities as employees came in and out of the
15 building?

16 A I've never seen them utilize the tents. I mean, I've seen
17 them have activities or events in the general open area.

18 Q Okay, and that is an open area to the exterior of the
19 building?

20 A Correct.

21 Q That you've seen them set up tables?

22 A Yes.

23 Q And were they set up -- during the -- the balloting
24 period, did they set up tables out -- out front that were
25 related to the union organizing drive?

1 A Did they set -- so you're asking me, did they set up
2 tables that were specifically related to union organizing
3 drive?

4 Q Yeah, and -- and perhaps -- I should probably be more
5 specific. Did you see any tables set up in that area during
6 the balloting period where HR was handing out vote no
7 materials, t-shirts?

8 A So I never saw tables set up with vote no material, but I
9 did see tables set up with celebrating our one-year
10 anniversary, handing out shirts and swag to our associates,
11 handing out popsicles and ice cream to the associates after
12 their hard day, handing out candy for Father's Day and flowers
13 for Mother's Day. I never saw any activity that was strictly
14 for union activity, and I never saw HR hand out the vote no
15 pins.

16 Q Did you -- some of these activities that were being
17 conducted in the open area, did that happen during the
18 balloting period, to your recollection? And by that, I mean
19 February -- February 8th through March 29th?

20 A Yes.

21 Q Okay. Now, before the cluster box was installed, were you
22 consulted about the installation of the box?

23 A I was not.

24 Q To your -- to your knowledge, was there any consideration
25 given to how the cluster box might affect employees' use of the

1 parking lot?

2 A I can't -- I can't speak to that. I don't -- I don't know
3 what other people were thinking or their thought process.

4 Q Well, I mean, you're responsible for traffic flow in and
5 out of that parking lot, right?

6 A Correct.

7 Q So there's a mailbox being installed that wasn't there
8 prior to February 4th of 2021, right?

9 A Correct.

10 Q And you were not consulted about whether that mailbox
11 would in any way affect the flow of traffic in and out of that
12 parking lot; isn't that right?

13 A That is correct. The mailbox was installed in the
14 associate pick-up area, which has a wider lane of traffic and
15 would allow a vehicle to stop, and another vehicle to proceed,
16 and have open flow of traffic.

17 Q Yeah, but you were never asked whether that would be the
18 case or not, right?

19 A Correct.

20 Q And you're the person that would have that knowledge about
21 the flow in and out of that parking lot, right?

22 A Correct.

23 Q Now, was it your understanding that the cluster box was
24 being installed for the purpose of collecting mail ballots
25 during the balloting period?

1 A It was my understanding that the mailbox was being
2 installed to provide a easy opportunity for our associates to
3 utilize the mailbox if they chose to.

4 Q To deposit their mail ballots, right?

5 A To deposit their mail. It wasn't specific for ballots.

6 Q So why is it -- why, then, was there a tent put around
7 that mailbox?

8 A That was outside of my scope of knowledge or
9 responsibility.

10 Q Right, but there's not a tent there now, right?

11 A Correct.

12 Q So employees -- so as far as Amazon is concerned, it
13 doesn't matter if security cameras capture them delivering or
14 depositing mail in that box right now; is that --

15 MR. JOHNSON: Argumentative.

16 Q BY MR. ROUCO: Well, am I correct decision that the
17 security --

18 MR. JOHNSON: You're on mute.

19 HEARING OFFICER MEYERS: Objection sustained.

20 Q BY MR. ROUCO: Would you agree that, currently, the
21 cameras that are facing the parking lot can record employees
22 dropping off their mail at that mailbox?

23 A Currently, yes.

24 Q Now, the tent that was -- I think you've testified -- that
25 was placed around the cluster box obstructed the view of the

1 cameras, right?

2 A The tent surrounding the closure box obstructed the view
3 of the -- of the cluster box from the cameras, yes.

4 Q Yes, and then, it also obstructed -- I guess your
5 testimony was that it obstructed the view of people enter -- of
6 what they were doing inside that tent; is that right?

7 A Correct.

8 Q Okay. Is there any other -- to your knowledge, any other
9 area in the exterior of that facility where, for a period of
10 time, Amazon obstructed the view of security cameras?

11 A Yes. There's currently two tents that are break rooms,
12 externally.

13 Q Okay.

14 A And there's no -- no view of inside of those break rooms
15 from overhead because of the tents.

16 Q Any -- other than the tents that are being used as break
17 rooms during COVID, are you aware of the location where Amazon
18 erected a tent to obstruct the view of the cameras?

19 A No.

20 Q Now, you would agree that, as employees exit the tent, the
21 camera can capture them, right?

22 A It would capture the area of the concrete pad that the
23 tent was on.

24 MR. ROUCO: Well, if we can put up Exhibit Number 49,
25 please.

1 HEARING OFFICER MEYERS: Madam Bailiff, can you put up 49,
2 please? Or do you -- did you find it?

3 THE BAILIFF: Yeah, I've got it.

4 HEARING OFFICER MEYERS: Okay.

5 Q BY MR. ROUCO: Mr. Street, do you see what has been
6 previously marked as Exhibit Number 49 on your screen?

7 A Yes.

8 Q And this is a view from one of the security cameras; is
9 that right?

10 A This is a view from camera 1121.

11 Q And during the balloting period, there was a tent that was
12 put around the cluster box that can be seen in this photo; is
13 that right?

14 A Correct.

15 Q And would you agree that the -- the -- the tent would
16 obstruct the view of somebody as they were depositing mail in
17 that box when he was erected? Is that right?

18 A Correct.

19 Q But once someone came out of that tent and walked down the
20 walkway, that would be still open to view; is that right?

21 A Sure.

22 Q And likewise, anyone coming from the parking lot into the
23 tent, that would be open to viewing; is that right?

24 A Yes.

25 MR. ROUCO: Can you put up Exhibit Number 40, please, just

1 Number 40?

2 HEARING OFFICER MEYERS: All the way at the top?

3 MR. ROUCO: Yeah, Employer 40.

4 THE BAILIFF: Okay. Give me a minute.

5 MR. JOHNSON: It may be a in a different set of files.

6 HEARING OFFICER MEYERS: Yeah, it is.

7 MR. ROUCO: I apologize for that.

8 HEARING OFFICER MEYERS: That's okay.

9 THE BAILIFF: Sure.

10 HEARING OFFICER MEYERS: Have you got it, Jill?

11 THE BAILIFF: No, no, I'm -- do you have it up?

12 HEARING OFFICER MEYERS: No, actually, I don't, but.

13 THE BAILIFF: Okay, all right. Give me a second.

14 MR. JOHNSON: Great screen saver.

15 THE BAILIFF: That's not what I'm for. 40, there we go.

16 Pulling it up right now. And I'm trying to move everybody.

17 All right, can you see it?

18 MR. ROUCO: I can see it.

19 MR. JOHNSON: I can.

20 Q BY MR. ROUCO: Okay, so this is an email that we -- that
21 you've already testified to; is that right, Mr. Street?

22 A Correct.

23 Q And this is the instructions not to -- not to enter the
24 mailbox tent; is that's right?

25 A Correct.

1 Q And it says here "the U.S. mailbox has been installed in
2 the white tent in front of the main building entrance to
3 provide associates a convenient location to mail in their
4 ballots"; do you see that?

5 A Yes.

6 Q Was there any reference in this email that that mailbox
7 was intended to provide a convenience for them to mail in their
8 water bill?

9 MR. JOHNSON: Documents speaks for itself.

10 HEARING OFFICER MEYERS: Overruled.

11 THE WITNESS: Repeat the question?

12 Q BY MR. ROUCO: All right. There's nothing in this -- in
13 this email that went to leadership, you'd agree that there's no
14 reference there that the mailbox was put -- installed for the
15 convenience of employees to mail other personal mail?

16 A Correct.

17 Q Okay, so that -- so based on this manual -- based on this
18 email, am I correct in saying that the purpose for the
19 installation of that cluster box was to have employees mail
20 their ballots at that location?

21 MR. JOHNSON: Speculation.

22 HEARING OFFICER MEYERS: Objection sustained.

23 MR. ROUCO: Okay. You can take down this exhibit now.

24 Q BY MR. ROUCO: Did you -- prior to the election balloting
25 period, had you heard discussion of whether Amazon sought to

1 install a cluster box in the employee parking lot in order to
2 make it more convenient for an employee to mail their personal
3 mail?

4 A No.

5 Q Do you recall when the tent was taken down from around the
6 cluster box?

7 A From the best of my recollection, I believe the tent was
8 taken down sometime in the beginning of April.

9 Q Shortly after the balloting had ended?

10 A I believe so.

11 Q Now, was it your understanding that the tent was put up in
12 order to provide privacy?

13 A That was my assumption. I -- I would assume that it was
14 installed for the privacy of our associates and employees.

15 Q And -- and that privacy involved them dropping off mail, a
16 ballot, in that mailbox, right.

17 A Dropping off mail, correct.

18 Q Right. Well, mail -- but specifically mail one of the
19 mail ballots, right?

20 A You can say ballots; I say mail. It's a mailbox that's
21 controlled by the United States Postal Service, so it could
22 take any mail.

23 Q Right, but the tent was put up for the purposes of not
24 recording employees dropping off their mail ballots, right?

25 A The -- the term was put out to stop any camera view of the

1 mailbox itself.

2 Q And that's to stop the view of the mailbox as employees
3 were using it to deposit their mail ballots, right?

4 A Yes.

5 Q And so in effect, did you that think they were essentially
6 simulating a polling place by putting a tent around that
7 mailbox?

8 MR. JOHNSON: Speculation. Don't ask a lay witness to
9 speculate on legal terms.

10 HEARING OFFICER MEYERS: Objection sustained. Can you
11 rephrase?

12 Q BY MR. ROUCO: Okay. You've voted in a normal election;
13 is that right, Mr. Street?

14 A Correct.

15 Q And when you approach the normal polling place, have you
16 seen signs that says that there's no recording allowed inside
17 the polling place?

18 A Yes.

19 Q And what happened in terms of this mailbox, by putting the
20 tent over it, it prevented recording of what was happening at
21 that mailbox during the balloting period; is that right?

22 A Correct.

23 Q Now, do you have Exhibit Number 57, or can you -- in front
24 of you?

25 A Yes.

1 Q Exhibit 57 is one where you asked Adam Williams to look
2 into a traffic study for the main entrance light; is that
3 right?

4 MR. JOHNSON: Are we putting it up?

5 MR. ROUCO: Yeah, we can put it up.

6 HEARING OFFICER MEYERS: Madam Bailiff, can you put up
7 Employer's Exhibit 57, please?

8 MR. ROUCO: Oh, if you can scroll down.

9 Q BY MR. ROUCO: So is -- am I correct that this is a
10 communication with Adam Williams where you're asking him to see
11 if they can -- if whoever has authority over that light can do
12 a study on a main entrance light?

13 A Yes.

14 Q And this was sent on September 17th, 2020; is that right?

15 A Correct.

16 Q And if -- I understand that your testimony was that you
17 wanted Mr. Williams to look into this because you wanted to get
18 in front of any potential traffic problems that might arise
19 during Prime Day; is that right?

20 A Prime Day and peak, yes.

21 Q Okay. Well, we'll take one at a time. But Prime Day,
22 what day was that scheduled for in 2020?

23 A The 13th and 14th of October.

24 Q And then, as you say, you wanted to get in front of any
25 potential traffic issues during peak; is that right?

1 A Yes.

2 Q And peak season runs from the day after Thanksgiving
3 through December 24th?

4 A Our peak, from a headcount standpoint, starts at the end
5 of October, so within a week or two of Prime Day.

6 Q Okay, so for headcount purposes, then, it's the end of
7 October through December 24th; is that right?

8 A Through end of December, beginning of January.

9 Q Okay. When you say -- I'm sorry. From the end of
10 September through the end of December, beginning of January?

11 A End of October would be the beginning of peak --

12 Q Right.

13 A -- through the beginning of January.

14 Q Like, January 1st?

15 A Yes.

16 Q Now, you know that -- that after December 25th, that's
17 when managers and other leadership are allowed to take
18 vacations; is that right?

19 A Correct.

20 Q So is it fair to say that, from the week of December 25th
21 through January 1st, that headcount is decreased during that
22 time period?

23 A To a point, yes. We still see heavy traffic from residual
24 holiday sales and activity.

25 Q Now, you testified that about a week after Mr. Williams

1 sent this message, the county put out counters; is that right?

2 A Yes.

3 Q And -- and you -- you saw the counters as you exited the
4 facility, right?

5 A As I entered and exited, correct.

6 Q And if I understand your testimony correctly, the next
7 communication with the county about the main entrance traffic
8 light is December 10th, 2020; is that right?

9 A Correct.

10 MR. JOHNSON: I'm sorry. We've got interference.

11 MR. ROUCO: But can we pull down this exhibit, please?

12 HEARING OFFICER MEYERS: And Richard, your camera is off.

13 MR. ROUCO: Oh, it is? I apologize.

14 Q BY MR. ROUCO: So by -- by -- so from the second -- I
15 guess, from September 20 -- 20th or 23rd, that week, right,
16 until December 10th, there was no communication between loss
17 prevention and accounting; is that right?

18 A Correct.

19 Q Now, were you aware that the Union had filed a petition
20 for election in late November?

21 A Yeah, I saw -- I saw them in the news media.

22 Q Did you discuss the fact that the Union had done this with
23 anyone at BHM1 leadership?

24 A No.

25 Q Now, it was not until December 15th that the county came

1 back out to check the lights at the main entrance; is that
2 right?

3 A I don't have that information. They didn't share when
4 they came back out.

5 Q Did Mr. Williams tell you that the county came back out on
6 December 15th?

7 A The county never followed back up with BHM1, Adam, or
8 myself.

9 Q You've never seen -- you've never seen any kind of report
10 done by the county with respect to changing that traffic light?

11 A I have not seen a report officially from Jefferson County.
12 What I have seen is an email from Ken Boozer that stated, after
13 their data analysis, the time was increased based on headcount
14 and overall traffic.

15 Q Okay. When you say you saw -- it -- it was an email from
16 Ken Boozer to who?

17 A Ken Boozer replied or sent -- sent an email, I believe,
18 end of December, beginning of January, in reference to the
19 light data showing that the time needed to be extended.

20 Q The -- the -- you know, you've testified to that already.
21 My question is, who did Ken Boozer send an email to?

22 A Sent an email to myself, and I believe, Adam Williams.

23 Q Do you still have our email?

24 A I do not.

25 Q Do you know what happened to that email?

1 A I don't; it's not in my archives.

2 Q Do you know whether Adam Williams still has that email
3 from Ken Boozer?

4 A I -- I do not know. I --

5 Q Now, would you agree that the timing of the light
6 were -- was changed in December of 2020?

7 A Yes.

8 Q Okay, and then, in fact, the -- the green light that faces
9 cars as they -- as they leave the parking lot onto Powder Plant
10 Road, that green light, the timing on it was increased to
11 maximum timing; is that right, do you know?

12 A Yes.

13 Q And maximum timing is about a minute or so; is that right?

14 A Okay, yeah, about a minute.

15 Q Okay. And do you know whether they installed any other
16 devices at that intersection that would record when an
17 employee -- or register when a car drove up to that light?

18 A I do not.

19 Q Okay. Now, has the timing of that light changed since
20 March 29th, 2021?

21 A It has not.

22 Q Now, you provided some testimony about security at
23 that -- at BHM1?

24 UNIDENTIFIED SPEAKER: It's spinning and then timed me
25 out, so I'm getting off. I got to get to work.

1 MR. JOHNSON: Madam Hearing Officer, I -- I don't know who
2 that is, but occasionally, somebody breaks in.

3 I don't know if you can hear that, Richard, or --

4 MR. ROUCO: Let me see. Yeah, I heard that. I'm not sure
5 who that is, either.

6 HEARING OFFICER MEYERS: I think it's probably my husband,
7 who is behind me. Let me turn it off and see if that works. I
8 apologize.

9 UNIDENTIFIED SPEAKER: Right.

10 HEARING OFFICER MEYERS: He's using the office this
11 morning because he's got something this afternoon, so hold on.

12 MR. JOHNSON: I don't hear anything if that's what you're
13 saying.

14 MR. RUOCO: Yeah.

15 HEARING OFFICER MEYERS: Okay, good, good, okay. I seem
16 to have solved it. I apologize. I thought with both my
17 headphones in, it would be better.

18 MR. JOHNSON: You have plenary jurisdiction in your own
19 household.

20 Q BY MR. ROUCO: So actually, before I asked you about
21 increasing the security arrangements out at BHM1, has BHM1
22 approached the county since March 29th about the traffic light
23 at the main entrance?

24 A Since March 29th of --

25 Q This --

1 A 2021?

2 Q Yes, sir.

3 A Not to my understanding. I have not reached out to the
4 county.

5 Q And you also testified, I think, that one of your concerns
6 about the traffic light is that you have a parking lot with
7 only 2,500 parking spaces; is that right?

8 A Correct.

9 Q And but yet the -- the employee -- the number of employees
10 at that facility far exceeded the parking lot capacity of the
11 facility; is that right?

12 A Correct.

13 Q Now, is that because the facility is designed -- was
14 meant, really, to only have about 1,500 to 2,000 employees?

15 A I -- I -- I was not part of that process of the design of
16 how many employees are supposed to be in that facility.

17 Q Well, you're familiar with other robotic fulfillment
18 centers that Amazon operates, right?

19 A Correct.

20 Q And this particular facility is 855,000 square feet; is
21 that right?

22 A Correct.

23 Q And you -- are -- is it correct that, in other facilities
24 of similar size that are robotic facilities, that the typical
25 employee complement is somewhere between 1,500 to 2,000

1 associates?

2 MR. JOHNSON: Relevance.

3 MR. ROUCO: Asking if he knows.

4 HEARING OFFICER MEYERS: I'm going to overrule the
5 objection.

6 THE WITNESS: Yes, so in my tenure with Amazon the last
7 year and a month, every Amazon robotics facility that is in my
8 region and peer regions all have a headcount of over 4,000 to
9 5,000 associates.

10 Q All have the same headcount?

11 A Yes.

12 Q All right. Now, let's talk about the security
13 arrangements at the BHM1. As I understand it, BHM1 contracts
14 with Allied Universal to provide private security personnel; is
15 that right?

16 A Yes.

17 Q And there was an incident, I think you testified, in July
18 of 2020 that made you approach Allied about increasing security
19 presence; is that right?

20 A Yes.

21 Q And Allied informed you that they were not able to
22 increase their security presence in the manner that you wanted
23 them to?

24 A Correct.

25 Q And that's because -- I think you said something, that

1 they didn't -- they didn't have mobility? What --

2 A The site was not set up for a mobile rove site, so
3 therefore, they did not have the current motor vehicle records
4 on hand for the guard staff. And that was not in our
5 standard-level contract with Allied for that facility. So to
6 change that would have took multiple processes.

7 Q So if I understand, then, your testimony is that the way
8 the facility was originally set up and designed, it did not
9 require mobile security; is that right?

10 A Correct. And -- and that's what Allied Universal, they
11 were telling you, is that we're not set up for this facility to
12 do mobile security; is that right?

13 A Correct.

14 Q So I guess the solution then became to hire Bessemer
15 police officers; is that right?

16 A The solution was we asked Allied what our options were.
17 And one of the options was having an off-duty police officer
18 from the city of Bessemer present for the parking lot aspect of
19 security.

20 Q Did they offer -- what were the other options that they
21 offered?

22 A That was the only other option unless we wanted to wait
23 for the motor -- motor vehicle records and the contract to be
24 amended for a rove facility.

25 Q Has that process been undertaken at all?

1 A It has not, due to turnover in security staff. We still
2 are waiting on motor -- motor vehicle records. And the fact
3 that we currently have PD on site, we have chosen to not pursue
4 a -- a mobile rove right now.

5 Q Okay, so if I understand your testimony correctly, then,
6 currently, loss prevention is not seeking a mobile rove with
7 Allied; is that right?

8 A Correct.

9 Q Okay. Now, it was -- it's Allied Universal that
10 contracted with the Bessemer Police Department; is that right?

11 A Yes.

12 Q And Amazon reimburses Allied for the costs associated with
13 that; is that right?

14 A Correct.

15 Q And there were some emails --

16 MR. ROUCO: If you can put up -- I've believe it's Exhibit
17 Number 54.

18 HEARING OFFICER MEYERS: Madam Bailiff, can you put up
19 Employer's 54, please?

20 MR. ROUCO: So the first part of this, this is all
21 redacted. If you go -- if you scroll down. If -- oops. Can
22 you go back? There it is. So the -- it -- can you -- can you
23 scroll a little bit further up? I'm sorry.

24 MR. JOHNSON: Madam Hearing Officer, we're getting
25 a -- okay.

1 MR. ROUCO: I'm sorry, not -- not there. Okay, right
2 there. I'm sorry.

3 Q BY MR. ROUCO: So Mr. Rob, you -- you contacted somebody
4 by the name of Frank (phonetic throughout) at Allied Security.
5 Or you were having communications with somebody by the name of
6 Frank regarding having mobile police coverage at BHMI; is that
7 right?

8 A Correct.

9 Q Okay, and Sean (phonetic throughout) and John (phonetic
10 throughout) were also involved in the -- and look to be like
11 Allied -- Allied Security personnel; is that right?

12 A Correct.

13 Q And it says here that the PO has been set up and approved;
14 you see that?

15 A I do.

16 Q Do you have a copy of the PO?

17 A I provided copies of the PO, yes.

18 Q You provided copies of the PO?

19 A Yes.

20 Q And you point out here that you're asking them to make
21 sure that the invoice from the Bessemer Police get billed for
22 the last two weeks; you see that?

23 A I do.

24 Q Were you copied on the invoices that were sent by the
25 police, the Bessemer Police Department?

1 A So I received an email from Lt. Roy Harris with invoices
2 for the first two weeks, as that was the time frame that our PO
3 was set up through the approval process. And I immediately
4 sent that information to Sean, Frank, and John, since Allied is
5 in charge of billing. And Bessemer Police, I believe, work for
6 Allied, not Amazon.

7 Q So were you -- were -- were the invoices reflecting hourly
8 bill rates?

9 A They reflected the -- the time each officer was on site.

10 Q And was the Bessemer Police Department being paid a
11 specific dollar amount for each hour that a police officer was
12 at BHM1?

13 A Yes. Bessemer -- I'm sorry. Rephrase the question? Or
14 what -- what was the question?

15 Q Was the -- was the Bessemer Police Department being paid a
16 specific dollar amount for each hour that a police officer was
17 present at BHM1?

18 A Yeah, so we would pay Allied the standard bill rate for
19 Bessemer, plus Allied's processing percentage.

20 Q Do you recall what the standard bill rate was?

21 MR. JOHNSON: Objection. Relevance, and it's also, you
22 know -- we'd redacted in this stuff because confidential
23 business conduct information.

24 HEARING OFFICER MEYERS: Mr. Rouco, can you respond and
25 tell me what the relevance is?

1 MR. ROUCO: Well, I think -- I think the amount of money
2 to be spent on security during this time period is relevant,
3 especially when you've got an objection that they increased
4 their security presence. And -- and the objection deals
5 that -- that increase in security presence happened during the
6 election, during the critical period. So knowing what they
7 were paying back in August, or what they were going to be
8 paying in February, is relevant.

9 MR. JOHNSON: May I be heard?

10 HEARING OFFICER MEYERS: Mr. Johnson?

11 MR. JOHNSON: I don't understand how this affects the
12 employee perception of what's going on in the office. I'll
13 have to look at this. There's no Amazon employee alias that's
14 on it. So you know, from the point of view of employee
15 perception, whatever the bill rates were isn't -- doesn't
16 really matter.

17 HEARING OFFICER MEYERS: Okay. Mr. Johnson, I think -- I -- I
18 think what he is arguing is he is trying to determine whether
19 or not the cost, the amount -- that Amazon paid for a security
20 increase between July when the alleged incident with the gun
21 and the Union's campaign, occurred. So am I understanding you
22 correct, Mr. Rouco?

23 MR. ROUCO: Yes.

24 HEARING OFFICER MEYERS: And I think that goes directly to
25 employee perception of increased police presence. So I'm going

1 to allow it. Objection overruled.

2 Q BY MR. ROUCO: Mr. Street, do you me to rephrase the
3 question for you?

4 A Please.

5 Q Okay. You testified that the invoice included a standard
6 bill rate for each hour that a Bessemer off-duty police
7 officer, or Bessemer police officer, was at BHM1. Do you
8 recall what that bill rate is?

9 A \$35 an hour, plus the percentage that would be added on by
10 Allied for their purpose.

11 Q When this email communicate -- this email that's -- that's
12 Exhibit Number 54, it sort of reflects discussions really,
13 about what that percentage was going to be; is that right?

14 MR. JOHNSON: Can I ask Madam Hearing Officer real quick?
15 Can I just start a standing objection to this line of
16 questioning?

17 HEARING OFFICER MEYERS: Well, it's your -- your
18 continuing objection is noted for the record.

19 MR. JOHNSON: Thank you.

20 Q BY MR. ROUCO: Am I correct in this exhibit that was
21 introduced by the Employer in this case, that the communication
22 Between Allied and -- and you was really mostly about what the
23 percentage markup would be? Is that right?

24 A Yes. I was quoted a percentage and I was told a different
25 percentage by another Allied leader.

1 Q And y'all in this email exchange, in an effort to try and
2 figure out what the appropriate percentage should be; is that
3 right?

4 A The email was to align with what the P.O. number was so
5 they could bill Allied directly and to what the percentage
6 would be, so I could make sure the P.O. had sufficient funds
7 for that year.

8 Q So you asked -- if you look at page 5 of this exhibit --
9 MR. ROUCO: Thank you. And can scroll down a little
10 further. Thank you, Ms. Bailiff.

11 Q BY MR. ROUCO: If I understand this bottom email, first
12 there was the -- Amazon had a choice between temporary and
13 permanent police coverage; is that right?

14 A Correct.

15 Q And Amazon opted for permanent police coverage; is that
16 right?

17 A Correct.

18 Q And then that apparently affected the markup percentage
19 that Allied Universal was going to request from Amazon in order
20 to arrange such police coverage; is that right?

21 A The markup didn't matter if it was permanent or fixed.
22 The question around if it's permanent or fixed was because of
23 how the contract or invoices would be set up through Allied and
24 Bessemer.

25 Q Okay. All right.

1 MR. ROUCO: Can you take -- you can take down Exhibit
2 Number -- go ahead and take down this exhibit, Exhibit 54.
3 Thank you.

4 Q BY MR. ROUCO: You testified that there was then a second
5 request for a permanent presence. Well, let me rephrase this.
6 Am my correct that Amazon requested that Allied arrange for the
7 permanent presence of a second police officer at BHM1?

8 A We requested a second police officer to be present. It
9 wasn't determined if it would be temporary or permanent based
10 on the amount of unauthorized or unvetted visitors that would
11 visit in our parking lot.

12 Q So at the time, you didn't -- you didn't know whether it
13 would be permanent or temporary; is that what you're saying?

14 A The second officer. Correct.

15 Q Right. The second officer. And that request happened at
16 the beginning of February 2021; is that right?

17 A Correct.

18 Q And it occurred -- well, let me ask you, when did the
19 second officer actually start performing services for -- at
20 BHM1?

21 A Within the first week of February. The exact date, I
22 don't know.

23 Q So when did the requests come in? Did it come -- was it
24 made in January there?

25 A We had our first confirmed incident on site with an

1 unauthorized visitor on the 1st of March and --

2 Q Excuse me. On the 1st of March, you said?

3 A 1st of February, I'm sorry. 1st of February.

4 Q You're sure it's the 1st of February?

5 A Hundred percent.

6 Q And do you -- do you have a log? A document that shows
7 that incident or reports that incident?

8 A There is a Twitter feed on More Perfect Union that will
9 show the video of Kim Kelly on site actively recording herself
10 in the middle of our roadway.

11 Q And in the middle of your roadway. What roadway are you
12 talking about?

13 A It would be the roadway directly in front of our
14 recruiting office inside the parking lot.

15 MR. ROUCO: Can you put up Union Exhibit -- I mean,
16 Employer Exhibit 48? Well, actually, I apologize. Not that.
17 There is another exhibit that shows it a little better. Yes.
18 I think it's -- it's called Security Presence of BHM1. I don't
19 know it's an exhibit in -- I think it's 50 --

20 THE WITNESS: 56.

21 MR. ROUCO: 56. Yes. Could you -- Madam Hearing Officer,
22 could you request the bailiff display Exhibit 56?

23 HEARING OFFICER MEYERS: Madam Bailiff could you put up
24 56, please?

25 Q BY MR. ROUCO: Do you see Exhibit 56, Mr. Street?

1 A Yes, sir.

2 Q Can you -- when you said the main drive, is the main drive
3 indicated on this exhibit?

4 A I said one of our main drives. The drive that Kim Kelly
5 recorded herself on, if you're looking at this document where
6 it is labeled Main Drive, it would be the drive that's located
7 to the left, which would be directly in front of where the
8 police shield is on the southwest corner of the building.

9 Q Now, when you say public, is that -- okay, that police
10 shield.

11 A No, it'll be the police shield that's up towards the
12 building.

13 Q Oh, towards the building. That one there. Okay.

14 A It would be a drive directly in front of it.

15 Q Okay. And so it's -- so there's a red star that's right
16 across from that police shield. Do you see that? Sort of
17 parallel -- I mean, not parallel, but even with it?

18 A Yes.

19 Q Okay. And there's a drive that goes through there; is
20 that right?

21 A Yes.

22 Q And it actually, when you -- when you come in off of Power
23 Plant and you take a right, am I correct that road curves
24 around and you can turn either left or keep going towards the
25 main entrance; is that right?

1 A Correct.

2 Q And so Kim Kelly was she located closer to the red star?

3 A She was not.

4 Q Was she in the parking lot area near -- between the red
5 star and the shield?

6 A No. She was in the front parking lot. If you look at
7 where it says Main Drive and you go directly diagonal to the
8 left, there is another drive that is parallel. She was on that
9 drive.

10 MR. JOHNSON: You should have the (audio interference).

11 MR. ROUCO: Yeah. Is it --

12 MR. JOHNSON: Right there.

13 MR. ROUCO: Right there? Okay.

14 Q BY MR. ROUCO: So was she -- so then was she closer to the
15 blue star then?

16 A She wasn't close to any star. She was within our parking
17 lot on the Main Drive. So semantics would be yes, she was
18 closer to the blue star than -- than the red star.

19 Q And so who brought this to your attention that Kim Kelly
20 had filmed in that parking lot?

21 A I believe it was our regional director or somebody in
22 public relations shared the link and said this occurred, and
23 that's how I became aware.

24 Q So in response to Kim Kelly just walking on -- well, let
25 me ask you, in that video, is that parking lot empty?

1 A No.

2 Q So in -- in response to Kim Kelly taking a video, or
3 videoing herself in that parking lot, y'all decided to hire a
4 second police officer?

5 A It wasn't just that incident.

6 Q Okay. Well, what other incidents?

7 A Within that same week, there was another unauthorized or
8 unvetted visitor who used the same drives as Kim Kelly.
9 Stopped their vehicle in traffic or in the roadway, got out,
10 took pictures of themselves with the building behind him, and
11 posted that on Twitter as well.

12 Q And what date was that?

13 A I believe it was the 4th or the 5th of February.

14 Q Is that when the mailbox was being installed?

15 A I don't recall.

16 Q All right. So you arranged for -- well, any other
17 incidences other than someone driving up, taking a picture
18 themselves in the parking lot, and the Kim Kelly incident?

19 A We had reports of people in the parking lot handing out
20 flyers and talking to our associates that were -- that were
21 believed to not be associates. And based on that information,
22 which was not validated or confirmed, and the incidents with
23 media increase or unauthorized visitors on site, we chose to be
24 proactive and again reached out to Allied to see if they had
25 updated motor -- motor vehicle records, which they did not.

1 And we needed to react in the moment to make sure that our
2 650,000 square foot parking lot had an appropriate coverage and
3 security presence.

4 Q So it was in response to reports of handing -- and in
5 addition to the Kim Kelly incident, the -- the incident of
6 somebody taking a picture of themselves in that parking lot and
7 posting it on Twitter. And then reports of hand billing and
8 talking to employees as they came out of the facility, that's
9 when BHM1 management decided to seek a second off-duty police
10 officer to patrol the parking lot; is that right?

11 A That's when myself and my regional leader made the
12 decision to add an additional police officer in the parking lot
13 to help separate the parking lot from east to west. So there
14 was less area that each officer or -- yeah, well, each officer
15 had to -- to -- to maintain or observe.

16 Q And you were never able to either confirm -- well, let me
17 rephrase. Am I correct, based on what you just testified to,
18 that the people that were handing out flyers, hand billing, and
19 talking to employees -- that you never were able to determine
20 whether those people were employees or not; is that right?

21 A Yes. And -- and the reason for that is it was unknown if
22 they were employees or not employees. We were given
23 instructions to not surveil employees. So we chose not to
24 surveil the parking lot in that aspect to make sure we weren't
25 violating any kind of labor law.

1 Q Well, yeah. I mean, you -- you decided not to personally
2 surveil them yourselves, instead you hired police officers to
3 do the surveillance, right?

4 MR. JOHNSON: Argumentative. Assumes facts not in
5 evidence.

6 MR. ROUCO: Well, let me --

7 HEARING OFFICER MEYERS: Sustained. Can you rephrase?

8 MR. ROUCO: Yeah.

9 Q BY MR. ROUCO: Rather than -- than -- than loss prevention
10 doing the surveillance, am I correct that -- that you decided
11 to have a second off-duty police officer hired for the purposes
12 of observing activity that was going on in the parking lot?
13 Right?

14 MR. JOHNSON: Same objections.

15 HEARING OFFICER MEYERS: I'm going to overrule that
16 objection.

17 Q BY MR. ROUCO: Is that right?

18 A That isn't right. The reason that we have police on site
19 and increased our police was to have a deterrent on site for
20 any unwanted or unknown visitors, as in we don't know who you
21 are or what your intent is on site, and to provide the overall
22 impression that our -- that we -- that we generally and truly
23 care about the security of our associates.

24 Q You did not have in February or prior to hiring the second
25 permanent police officer. And by hire, I mean having them

1 hired through Allied. I understand that Amazon did not
2 directly contract for that police officer to be present. There
3 have been no reports of anyone trying to enter the facility
4 without authorization; is that right?

5 A With -- when you said permanent, the second isn't
6 permanent. It was unknown if it's permanent or temporary. And
7 when you say entering the facility, do you mean parking lot or
8 do you mean --

9 Q No. Okay.

10 A -- the building itself?

11 Q That's -- that's good. Fair enough. So when BHM -- when
12 the BHM leadership decide to bring on a second police officer,
13 am I correct that there were no reports that anyone had tried
14 to breach the facility itself, and enter into the warehouse?

15 A Correct.

16 Q Did you communicate to employees the reason why there was
17 a second police officer on site?

18 A I did not.

19 Q Are you aware of whether Amazon communicated either
20 through the text-all, the A to Z app, I guess you had inSTALL
21 messages or the acid screen messages, the reasons for the
22 addition of a second police officer on site?

23 A No.

24 Q You have not seen any such communication; is that right?

25 A I don't remember any communication that would speak to why

1 the first or second police officer was assigned to the site,
2 brought to the site.

3 Q And you would agree that that second police officer was
4 added to the site during the balloting period; is that right?

5 MR. JOHNSON: Objection. Assumes facts not in evidence.
6 Misstates prior testimony.

7 HEARING OFFICER MEYERS: I'm going to overrule that
8 objection, and I think that's clearly relevant here. It
9 doesn't assume facts not in evidence. If the -- if the witness
10 doesn't know what the balloting period is, he can so state.

11 THE WITNESS: Are you referring to the balloting period of
12 the 8th of February through the 29th of March?

13 Q BY MR. ROUCO: Yes, sir.

14 A We requested the second officer outside of that balloting
15 period, which would have been before the 8th of February.

16 Q And I think you said it was the 1st week of February; is
17 that right?

18 A Correct.

19 Q And the -- the second police officer was there -- well,
20 let me ask you, are they still there?

21 A Yes.

22 Q So is it fair to say that throughout the entire balloting
23 period, there was a second police officer added?

24 A Yes.

25 Q And they were added that first week of February. If I

1 understand your testimony correctly; is that right?

2 A Correct.

3 Q Now, on Exhibit Number -- Employer Exhibit 56, there are
4 two shields. Do you see that?

5 A I do.

6 Q Is that where the -- the police officers were stationed?

7 A I guess that was the posted positions we asked the police
8 officers to stand.

9 Q And the shield that is below the mailbox. Do you see
10 that?

11 A I do.

12 Q That -- the police officer that's stationed there, people
13 who are hand billing on Powder Mill Road or just right off
14 Powder Mill Road, could see that police car; is that right?

15 A When you say Powder Mill Road, you --

16 Q I'm sorry, Powder Plant Road.

17 A Okay. They could see the headlights in the grill of the
18 police officer over the crest of the hill I would -- I would
19 guess.

20 Q Did -- did you receive any reports of the police officer
21 driving down to where the organizers were located?

22 A I did not receive any reports that they specifically drove
23 down to where the organizers were located, but that route of
24 traffic was -- it was part of their standard perimeter checks.

25 Q And how frequently were they doing perimeter checks?

- 1 A Every hour on the 30-minute mark.
- 2 Q Every hour on the 30-minute mark.
- 3 A Yes, sir.
- 4 Q So that means when -- just to -- to put it in terms that I
- 5 understand, so if it's 1:00 in the afternoon, at 1:30 they did
- 6 their perimeter check; is that right?
- 7 A Correct.
- 8 Q And that happened every hour?
- 9 A Yes.
- 10 Q Is that right?
- 11 A Correct.
- 12 Q And both police officers would do a perimeter check?
- 13 A It would typically be one officer that would do the
- 14 perimeter check.
- 15 Q And the other one would remain at their station?
- 16 A Correct.
- 17 Q Is it -- am I correct that from where the mailbox was
- 18 located, the police officer that is stationed below the mailbox
- 19 is visible to people?
- 20 A Could you rephrase it, clear --
- 21 Q If I'm an -- I'm sorry. Yeah. If I'm an employee parking
- 22 near the parking -- near the mailbox, you see where they have
- 23 parking spaces?
- 24 A Yes.
- 25 Q If the police officer that's station below the mailbox,

1 that shield where you've got marked, that's visible
2 from -- from that location, right?

3 A Well, it could be visible if the parking lot was
4 completely empty and there's no cars.

5 Q And how about the -- the police officer that's stationed
6 next to the building above -- so a little bit above the
7 mailbox, is that also visible to employees who are entering the
8 facility?

9 A That is visible to employees entering through the
10 recruiting entrance of the red star, yes.

11 Q And did you -- did you take any photos of where these
12 police officers actually stationed themselves?

13 A Taking photos as in --

14 Q Yeah, recording? I mean, actually showing -- because
15 you've got the shield -- you got the shields here, but is there
16 any other recording showing where they were actually
17 positioned?

18 A There is -- I'm sorry.

19 MR. JOHNSON: I was just going to say, do you mean besides
20 81?

21 MR. ROUCO: Besides -- well, you know, let me see -- look
22 at 81. Actually, can I have a -- Madam Hearing Officer, can I
23 have a five-minute break? I'm going to look for 81 and then
24 we're almost done with this witness.

25 HEARING OFFICER MEYERS: Okay. Would you like the bailiff

1 to pull it up and let's finish with this witness?

2 MR. ROUCO: Sure. Okay, the bailiff can put up 81.

3 HEARING OFFICER MEYERS: Do you have it, Madam Bailiff?

4 THE BAILIFF: I'm working on it. I could get it.

5 HEARING OFFICER MEYERS: I got it. Hold on. I found it.

6 THE BAILIFF: Okay.

7 Q BY MR. ROUCO: My recollection, that's -- that's the photo
8 that comes from Powder Plant Road, right? Is this -- this is
9 81.

10 MR. JOHNSON: Are you asking me or the witness or the
11 bailiff?

12 MR. ROUCO: No, no.

13 THE BAILIFF: Yes, this is 81.

14 MR. ROUCO: This is 81.

15 THE BAILIFF: It says Exhibit 81.

16 Q BY MR. ROUCO: Excellent. So 81, you can see from this is
17 the only photo that you have as to where the police officer was
18 stationed; is that correct?

19 A Correct. That's the only photo that was taken from Amazon
20 of where the police officer is.

21 Q And do you know who took this photo?

22 A Sean Timmons (phonetic), our LP specialist. And then I
23 stood in the same spot on the same day and had the same view.

24 Q And do you have a photo of the police officer that's
25 located or stationed next to the building?

1 A I don't, but that could also be found on Twitter under
2 More Perfect Union. They released a nice video showing the
3 normal spot for police officers.

4 Q Did you consult that video?

5 A Did I consult that video?

6 Q Yeah, prior to this testimony?

7 A I watched that video over a month ago when it was
8 released.

9 Q Is that the video that triggered the decedent to -- to
10 have another -- well, I guess that it was a month ago that that
11 video was released; is that right?

12 A Over a month.

13 Q Is it is -- is Kim Kelly in that video?

14 A I can't recall if Kim Kelly is in the video. And at that
15 point, we already had two police officers on site.

16 Q Now, did you -- did the standard billing rate for the
17 second police officer, was it the same billing rate?

18 A Yes.

19 Q Did Amazon arrange for any other forms of police coverage,
20 other than having two police officers present on the facility?

21 A No.

22 Q In other words, did you contract directly with Bessemer
23 Police Department to have more patrols come through the
24 facility?

25 A No.

1 MR. ROUCO: Can we go back to Exhibit Number 56? I have
2 one last question.

3 Q BY MR. ROUCO: Mr. Street, what is the actual property
4 line for the BHMI facility?

5 A The property line for our facility would be 10 feet off of
6 public byway around the Powder Plant -- Power Plant Road, and
7 on the traffic circle side, it would extend halfway through the
8 median in that traffic circle.

9 Q So that traffic circle is half property, half
10 public -- half private, half public?

11 A To the best of my knowledge, yes.

12 MR. ROUCO: All right. If I may have a second, I think I
13 may be finished with my examination of this witness.

14 HEARING OFFICER MEYERS: Does that mean that the -- the
15 Union is finished or that Mr. Rouco is finished and Mr. Davies
16 has more questions?

17 MR. ROUCO: It's probably that the Union is finished, but
18 I need to talk to Mr. Davies.

19 HEARING OFFICER MEYERS: All right. Let's take --

20 MR. ROUCO: If I can have a couple minutes.

21 HEARING OFFICER MEYERS: Let's take five minutes off the
22 record.

23 MR. ROUCO: Thank you.

24 HEARING OFFICER MEYERS: That will take us to -- well, six
25 minutes. Let's go to 11:50 my time, 10:50 y'all's time. Off

1 the record.

2 (Off the record at 10:44 a.m.)

3 HEARING OFFICER MEYERS: Excellent. All right. Let's go
4 on the record. Okay, Mr. Rouco, do you have any further
5 questions?

6 MR. ROUCO: Yes. Thank you, Madam Hearing Officer.

7 **RESUMED CROSS-EXAMINATION**

8 Q BY MR. ROUCO: Mr. Street, the -- the second police
9 officer that was added in February of 2021, was that person
10 also in a official police vehicle?

11 A Yes. Uniform and marked vehicle.

12 Q Okay. And -- and that -- so that as I understand it, it
13 doubled the cost of having a police presence at BHM1; is that
14 right?

15 A Correct.

16 Q In addition to the hourly standard rate, were there other
17 costs associated with having two off-duty police officers at
18 the BHM1 facility?

19 A No.

20 Q So it was only the -- the hourly rate plus the percentage
21 that you had to pay Allied Universal; is that right?

22 A Correct.

23 Q Now, you testified that -- that there was some activity
24 seen in the parking lot in February where people were handing
25 out hand billing employees. To your knowledge, was that

1 recorded?

2 A Like I -- I said earlier, we did not utilize the cameras
3 to watch based on we didn't know if they were associates or
4 not. We weren't going to surveil associates. And there's no
5 recording that I observed on social media of that interactions.

6 Q Was it entered in the event logs of one of the security
7 guards?

8 A No. It was brought to my attention through, I believe,
9 employee relations, I believe.

10 Q Who in employee relations brought it to your attention, if
11 you remember?

12 A Erin Hughes and Todd Logan.

13 Q And did they -- did Mr. Hughes and Mr. Logan inform you
14 that they saw some hand billing activity going on in the
15 parking lot?

16 A Mrs. Hughes and Mr. Logan.

17 Q Oh, I'm sorry.

18 A That's okay. Mrs. Hughes and Mr. Logan reported that they
19 received information from associates complaining that they were
20 approached in the parking lot. And that was information that
21 was related.

22 Q And that's the extent of the information that you received
23 from -- that you recall receiving from Ms. Hughes and Mr.
24 Logan?

25 A Yes.

1 Q Did you get an email from them also memorializing the
2 information that they passed on to you?

3 A I didn't. It was a verbal conversation in my office
4 during a touch base.

5 MR. ROUCO: All right. Thank you, Mr. Street. I
6 have -- I have nothing further.

7 THE WITNESS: Thank you.

8 HEARING OFFICER MEYERS: Mr. Johnson, do you have any
9 redirect?

10 MR. JOHNSON: We probably do. Can we have 10 minutes then
11 we can start.

12 HEARING OFFICER MEYERS: Okay. Let's take 10 minutes.
13 We'll be off the record until 12:05, 11:05 Central Time. Off
14 the record.

15 (Off the record at 10:54 a.m.)

16 THE BAILIFF: Back on the record.

17 HEARING OFFICER MEYERS: Okay. Mr. Johnson, do you have
18 any further questions for this witness?

19 MR. JOHNSON: Yes, I do. But one preliminary question for
20 the bailiff and you. Is Employer Exhibit 45 in evidence?
21 There is a little bit of confusion on our side about whether
22 that ruling was made.

23 HEARING OFFICER MEYERS: Which screen am I pulling up on?
24 Hold on. There we go. I don't have 45, although it appears
25 that I have no idea what I -- what -- what I was checking and

1 where. I don't have 45, 46, 47, and 48 checked off. Well, I
2 have 48 checked off.

3 THE BAILIFF: That's from a bailiff.

4 MR. JOHNSON: Sorry.

5 THE BAILIFF: I'm checking with yesterday's bailiff and
6 Employer's Exhibit 45, 46, and 47, light pole photo 1, 2, and 3
7 shows that it was offered and admitted.

8 HEARING OFFICER MEYERS: Okay.

9 MR. JOHNSON: How about 48? Since we have not admitted
10 48?

11 THE BAILIFF: Camera with view of mailbox also shows it
12 was offered and admitted.

13 MR. JOHNSON: Okay, great. I'm -- I'm then -- I'm ready
14 to go.

15 HEARING OFFICER MEYERS: All right. Your witness, Mr.
16 Johnson.

17 MR. JOHNSON: All right. Thanks.

18 **REDIRECT EXAMINATION**

19 Q BY MR. JOHNSON: Hi, Mr. Street. How are you?

20 A I'm great. How are you?

21 Q We're all right. Okay. So you were asked by Mr. Rouco
22 some testimony about loss prevention's ability to switch
23 between camera feeds to reconstruct what an employee was doing.

24 A Yes.

25 Q You recall that testimony? Okay.



1 A Yes.

2 Q During 2021, did anyone in loss prevention actually
3 reconstruct employees who were approaching from or going to the
4 mailbox?

5 A No.

6 MR. JOHNSON: And if we can put 46 back up.

7 HEARING OFFICER MEYERS: Madam Bailiff, can you put 46 up,
8 please?

9 MR. JOHNSON: 48. Sorry. 48.

10 HEARING OFFICER MEYERS: 48.

11 Q BY MR. JOHNSON: Okay. Can you see that, Mr. Street?

12 A Yes, sir.

13 Q Okay. So you were asked some questions about this. I
14 wanted to ask you, do you see those cameras on this exhibit
15 1519, 1121, 1258, and 1253?

16 A I do.

17 Q Are any of them on the default screen in the loss
18 prevention office? So there are the default camera views that
19 are in that office?

20 A No.

21 Q Did loss prevention ever send out any communication on an
22 acid screen or in installments or text them all that told
23 employees, we are watching you deposit your mail in the
24 mailbox?

25 A No.

1 Q You testified some of the associates pick up lane --

2 MR. JOHNSON: You can actually take down 48.

3 Q BY MR. JOHNSON: Is it obvious or inobvious to an observer
4 that the associates pick up lane is wider than the other lanes
5 going through the rows of cars in the parking lot?

6 A It's obvious.

7 Q Okay. And you were asked some questions about different
8 tents that cameras couldn't see through an X through the
9 building. Do you recall that testimony?

10 A Yes, sir.

11 MR. JOHNSON: Okay. Can you put up 51, please?

12 Q BY MR. JOHNSON: Are those tents that the security cameras
13 can see through?

14 A They are not.

15 MR. JOHNSON: Can you pull up 52, please?

16 Q BY MR. JOHNSON: Are those tents that the security cameras
17 can see through?

18 A They are not.

19 MR. JOHNSON: All right. You can take that down and put
20 up 50, please?

21 Q BY MR. JOHNSON: Okay. And you testified some about this
22 yesterday in terms of pixilation. Do you remember that
23 testimony, Mr. Street?

24 A Yes, sir.

25 Q So any of these cameras on the exterior south of the

1 building -- south wall of the building, otherwise known as the
2 front of the building. If you zoom in, is the pixilation going
3 to be the same as this level of pixilation?

4 A Yes, if not worse.

5 Q Okay. Are there some cameras that have a worse level of
6 pixilation that are on the exterior south front of the
7 building?

8 A Yes. Any camera that would be further than 260 to 300
9 feet.

10 MR. JOHNSON: Okay. You can take one down, too. Thank
11 you, Madam Bailiff.

12 Q BY MR. JOHNSON: So you testified some about employee's
13 mailings, there are different types of mail in the mailbox. Do
14 you recall that testimony?

15 A Yes.

16 Q Would loss prevention have known one way or another, if
17 the employees were using the mailbox to mail their personal
18 mail?

19 A No.

20 Q What -- did loss prevention ever issue any restriction to
21 employees that they could not use that mailbox for personal
22 mail?

23 A No.

24 Q Did Amazon, to your knowledge, issue any communication to
25 employees restricting their -- the use of the mailbox to

1 prevent them from using it for personal mail?

2 A No.

3 MR. JOHNSON: After December -- well, actually, can we
4 pull up Employer Exhibit 15, because I think that is going to
5 go straight to this. Employer Exhibit 15, please.

6 Q BY MR. JOHNSON: Do recognize what this is, Mr. Street?

7 A Yes.

8 Q Okay. So is this an accurate rendition of the main gate
9 from the -- of the parking lot going down to the Power Plant
10 Road and Premier Parkway intersection?

11 A It is.

12 Q Okay. So after December 15th and the light change, did
13 that allow the -- anyone who was waiting in the parking lot, at
14 any of the segments that you see here that was waiting, allow
15 them to clear and get all the way through the light?

16 A No, it would still stop you at the light.

17 Q And were there cars that actually got stopped at the
18 light?

19 A Yes.

20 Q Was the entire parking lot able to clear out in one light
21 change?

22 A No.

23 Q And let me just ask you some other questions about you
24 testified yesterday that this also affected ingress; do you
25 recall that?

1 A Yes.

2 Q Okay. So if your car coming in and there are cars backed
3 up coming out of the parking lot, how is that going to affect
4 you at all, if at all?

5 A It's going to limit your ability to get into the parking
6 lot and actually park your vehicle.

7 Q So if you're coming in and the parking lot is backed up
8 and you're coming in on this road, you're making a left turn
9 and you're coming in, when you get in the parking lot can make
10 a left turn through this line of in front and off to your left?

11 A You could, but you -- you wouldn't be able to turn east or
12 west to get into where the parking spots are located.

13 Q Well, that's -- that's my question. Can you get into the
14 parking rows to the -- to the left if there are -- if there is
15 a line of cars to your left waiting to get out?

16 A No.

17 Q Okay. Well, if there are cars that are coming from the
18 right that are trying to turn through to get out and there are
19 cars backed up on the ingress, can those cars get out?

20 A No.

21 MR. JOHNSON: All right. You can take that down.

22 Q BY MR. JOHNSON: And you testified a little bit about 54.

23 MR. JOHNSON: So can we put 54 up?

24 HEARING OFFICER MEYERS: Madam Bailiff, thank you.

25 Q BY MR. JOHNSON: Okay. Do you recall testifying about

1 that document?

2 A Yes.

3 Q You testified on the economics in that document, and I'm
4 not going to ask you about that. Does the document contain
5 anything about your expectations of what the police -- the
6 police assistance would comprise?

7 A Not on this screen, but within this document, it says
8 presence.

9 MR. JOHNSON: Okay. Can you scroll down? I think it's
10 all the way on the -- I want to say top of page 6.

11 THE WITNESS: You passed it.

12 MR. JOHNSON: Give me a little bit. There we go.

13 Q BY MR. JOHNSON: You saw it before I did, Mr. Street, so
14 where does it list your expectations?

15 A Underneath the address, it says expectations presence.

16 Q And what does presence mean?

17 A Visibly present and deterrence.

18 Q Are you referring to the police officer or something else?

19 A The police officer.

20 MR. JOHNSON: You can bring -- take this down.

21 Q BY MR. JOHNSON: Now, you were asked some questions about
22 the property line; do you recall that?

23 A Yes.

24 Q Is there any way for a vehicle patrol that checks that
25 outer boundary of the property line and whether it's been

1 violated without driving down Powder Plant Road and through
2 your parkway?

3 A No, due to we have a ravine right next to our main
4 entrance and we have a wood line on Power Plant Road. So you
5 would have to access public byway in order to do the perimeter
6 check.

7 Q Can a roving vehicle just drive through the wood line?

8 A No.

9 MR. JOHNSON: Let me just confer 10 seconds.

10 All right. I have no further questions on redirect.

11 HEARING OFFICER MEYERS: Is there any recross from the
12 Union?

13 MR. ROUCO: Yes, I just have a few questions.

14 **RECROSS-EXAMINATION**

15 Q BY MR. ROUCO: I guess picking up where -- where Counsel
16 left off, with respect to -- as I understand, the expectation
17 for the first officer was that -- was that they be physically
18 present at BHM1; is that right?

19 A Correct.

20 Q And that's reflected in the email exchange that's come in
21 as Exhibit 54 that you just reviewed; is that right?

22 A Correct.

23 Q Now, is the expectation for the second police officer that
24 was requested also the same?

25 A Yes.

1 Q And was their email communications related to the second
2 officer or the request for a second officer at BHM1?

3 A There was a verbal conversation between myself and John
4 the national account manager, and then he took it from there
5 from a communication aspect with Allied and Bessemer, and I was
6 not copied on any of that communication.

7 Q What was the -- was there a purchase order modified to add
8 a second police officer at BHM1?

9 A No. When I created the purchase order in December of 2020
10 for 2021, we added a extra percentage to our P.O. just like
11 every P.O. in case we get overbilled or have to flex.

12 Q So you already -- so if I understand what you're saying,
13 you budgeted for the second officer in December?

14 A No. What I said is every P.O. that I create, I
15 incorporated 10 to 20 percent upcharge in that P.O. to cover
16 any additional costs or changes to that P.O.

17 Q Well, but you would agree that the P.O. that -- well, let
18 me rephrase this. I believe your testimony was that the
19 addition of a second police officer doubled the cost from the
20 original P.O., right?

21 A Correct.

22 Q So there had to be a second -- would there have to be a
23 second P.O. then completed, because you're adding a second
24 officer that's doubling the cost?

25 A No, there were sufficient funds in that P.O. When we run

1 into any issues where that P.O. is at risk of funds being
2 depleted, we will then add a line item to that same P.O., and
3 it will go through the same approval process.

4 Q Okay. So are there documents reflecting that the original
5 P.O. was amended or had an extra line item added?

6 A It has not had an extra line item, as the funds are still
7 in the P.O. We don't need funds added at this point.

8 Q So you over budgeted basically for the first police
9 officer; is that what you're saying?

10 A I over budget for every P.O. that I submit.

11 Q Okay. Is there any email that you're aware of that
12 memorialized your verbal conversation with John from Allied
13 Universal?

14 A No.

15 Q Do you have -- did you have any email communication with
16 other BHM1 leadership discussing why a second police officer is
17 going to be added to the premises?

18 A No.

19 Q So if I understand your testimony then, this was a
20 decision you made based on conversations -- well, based on the
21 Kelly incident, the incident of somebody taking a photo of
22 themselves in the parking lot and then reports that there was
23 some hand billing being done in the parking lot; is that right?

24 A Yes. The decision was made between myself and my regional
25 LP manager based on unauthorized visitors and unknown risk to

1 the site and the associates.

2 Q Who's your -- who's your regional LP?

3 A Eric Stone.

4 Q Okay. You were asked questions regarding the pixilation
5 that's shown on Exhibit 15, do you recall that?

6 A Yes.

7 Q I think you'd been asked about that earlier during your
8 direct. Am I -- is it -- am I correct that the pixilation
9 information is not something that's shared with employees?

10 A Correct.

11 Q And if you look at exhibit --

12 MR. ROUCO: Can you put up Exhibit Number 51, please?

13 HEARING OFFICER MEYERS: Madam Bailiff, can you put up 51,
14 please?

15 Q BY MR. ROUCO: Again, Mr. Street, you were asked by
16 counsel on -- on redirect about this particular photo. Even
17 though -- would you agree that the cameras, though they may not
18 be able to look straight down into the tents, the -- the camera
19 can capture who comes in and out of that tent?

20 A Yes.

21 MR. ROUCO: Okay. I have nothing further. Thank you.

22 HEARING OFFICER MEYERS: Is there any recross?

23 MR. JOHNSON: One moment, please. No. Sorry, Madam
24 Hearing Officer, I can't see you, but there's no further
25 questions on redirect. No further questions.

1 HEARING OFFICER MEYERS: I heard -- I heard. My
2 apologies. Everyone left the house and left the dog out
3 barking at the neighbors. I apologize. I had to go let her in
4 before -- I got to avoid a dog complaint.

5 So thank you very much, Mr. Street. I just want to warn
6 you that you are -- that the rule of sequestration is in place,
7 so please do not discuss your testimony with anyone. You are
8 potentially subject to recall, although I don't anticipate
9 that. But if we had to bring you back, Employer's counsel will
10 let you know. Otherwise, thank you very much for your service
11 and your time. I know it was long and grueling, and we
12 appreciate your perseverance.

13 MR. STREET: Thank you, ma'am. Have a great day.

14 HEARING OFFICER MEYERS: Okay. You too.

15 All right. Mr. Johnson, how many more days of testimony
16 do you anticipate?

17 MR. JOHNSON: Well, I -- look -- based on now, I think we
18 wind up on Tuesday.

19 HEARING OFFICER MEYERS: Wind up Monday, Tuesday. So
20 today, Monday.

21 MR. JOHNSON: -- Tuesday. Right. Today, Monday, Tuesday.

22 HEARING OFFICER MEYERS: Excellent. Great. It's just a
23 matter of making sure we have a bailiff. So let's take -- do
24 you want to take a break now?

25 MR. JOHNSON: It's -- what -- it's at your pleasure. The

1 only thing I have to tell you is our next witness is actually
2 going -- not, you know, physically here. They're going to be
3 calling in just like prior witnesses during Petitioner's case.

4 HEARING OFFICER MEYERS: Okay.

5 MR. JOHNSON: So we just need to give them 10 minutes'
6 notice. So -- yeah.

7 HEARING OFFICER MEYERS: Well, my question is, do you guys
8 want a half-hour lunch now, or do you want a half hour lunch
9 later? How long do you anticipate this witness' direct will
10 take? Because I'm certain that we could wrap that into Mr.
11 Rouco's request for hours of time to prepare for cross if -- if
12 they're not going to be a long witness.

13 MR. JOHNSON: I think they're going to be somewhere in the
14 hour range. They won't be as long as Mr. Street.

15 HEARING OFFICER MEYERS: All right. Mr. Rouco, are you
16 okay with going another hour and then taking a longer break so
17 you can have both your lunch and your time to prep?

18 MR. ROUCO: Yes.

19 HEARING OFFICER MEYERS: Multitasking. Okay.

20 MR. ROUCO: That's fine. Even though I have a habit of
21 spilling my lunch on my notes, but I'll --

22 HEARING OFFICER MEYERS: Well, you know, get a bib.

23 MR. ROUCO: You're being so mean to me.

24 HEARING OFFICER MEYERS: I am not being mean to you, Mr.
25 Rouco. Let's take a break until 12:40.

1 Can you get your witness in that time, Mr. Johnson?

2 MR. JOHNSON: Yes. I'm pretty confident. So that's 13
3 minutes, correct?

4 HEARING OFFICER MEYERS: That's 13 minutes. Yes. So we
5 will be off the record until 12:40, and then we'll reconvene
6 with the Employer's next witness. Can you identify right now,
7 though, which -- because I think I forgot, although we now
8 know. Can you tell us which objection your next witness will
9 be addressing?

10 MR. JOHNSON: Hold on just a second. I want to say the
11 objection is 9 and 11.

12 HEARING OFFICER MEYERS: Okay, excellent. All right, we
13 will go --

14 MR. JOHNSON: Just one -- just for the record, it was 1
15 through 7, 17, 14, and 15 and 23. So it's the police, traffic
16 light and the, you know -- the one we just had.

17 HEARING OFFICER MEYERS: All right. Thank you very much.
18 And at this time, we will go off the record until 12:40 when we
19 will reconvene for the next witness.

20 (Off the record at 11:29 a.m.)

21 HEARING OFFICER MEYERS: Excellent. Let's go back on the
22 record.

23 THE BAILIFF: Okay.

24 HEARING OFFICER MEYERS: And Mr. Scroggins, are you -- is
25 the Employer prepared to call its next witness?

1 MR. SCROGGINS: Yes, we are, Madam Hearing Officer.
2 However, I'd like to add one thing. Mr. Johnson had indicated
3 that this witness would testify as to objections 9 and 11. I'd
4 like to clarify and add that he will also be testifying as to
5 objection number 10 in addition to 9 and 11.

6 HEARING OFFICER MEYERS: Thank you, sir. All right. And
7 could you call your witness, please?

8 MR. SCROGGINS: The Employer calls Bradley Moss.

9 HEARING OFFICER MEYERS: Mr. Moss, could you raise your
10 right hand?

11 Whereupon,

12 **BRADLEY MOSS**

13 having been duly sworn, was called as a witness herein and was
14 examined and testified, telephonically as follows:

15 HEARING OFFICER MEYERS: Thank you, sir. Thank you.

16 Mr. Scroggins, your witness.

17 MR. SCROGGINS: First of all, Madam Hearing Officer, would
18 you prefer that Mr. Moss remove his face covering during his
19 testimony?

20 HEARING OFFICER MEYERS: Is he -- is he someplace where
21 it's safe to do so, or is he --

22 MR. SCROGGINS: Mr. Moss, is anybody in the room with you?

23 THE WITNESS: No, I can do that.

24 MR. SCROGGINS: Okay.

25 HEARING OFFICER MEYERS: Thank you, sir.

1 THE WITNESS: You're welcome.

2 **DIRECT EXAMINATION**

3 Q BY MR. SCROGGINS: Mr. Moss, would you state and spell
4 your name for the record, please?

5 A Sure. My name is Bradley Moss. B-R-A-D-L-E-Y, M-O-S-S.

6 Q Mr. Moss, who's your current employer?

7 A I'm currently self-employed.

8 Q And what do you do as a -- in your self-employment?

9 A I'm a management side labor relations consultant.

10 Q And how long have you been a management side labor
11 relations consultant?

12 A 22 years.

13 Q And can you describe for me --

14 HEARING OFFICER MEYERS: I'm sorry. I apologize for
15 interrupting. I -- I didn't get the answer. How many years?

16 THE WITNESS: 22 years.

17 Q BY MR. SCROGGINS: And Mr. Moss, can you describe for me
18 generally what it is that you do as a management side labor
19 relations consultant?

20 A Sure. Essentially, I educate both management and
21 employees on the basic principles of the National Labor
22 Relations Act.

23 Q Okay. And did you receive a subpoena for your attendance
24 here today?

25 A Yes.



1 Q And is Amazon.com Services, LLC paying you for your time
2 here today?

3 A No.

4 Q Have you ever been engaged to perform any work by Amazon
5 or with Amazon.com Services, LLC?

6 A Yes.

7 Q And for the purposes of your testimony here today, can I
8 refer to Amazon.com Services, LLC simply as Amazon and we
9 understand each other?

10 A Yes.

11 Q And were you specifically engaged to work -- to perform
12 work at Amazon's BHM1 Bessemer, Alabama fulfillment center?

13 A Yes.

14 Q And are you an Amazon employee?

15 A No.

16 Q Have you ever been an Amazon employee?

17 A No.

18 Q When did you first arrive at BHM1?

19 A January 26, 2021.

20 Q And when did you work at BHM1 again?

21 A March 22nd, 2021.

22 Q And were you compensated for the work that you performed
23 at BHM1?

24 A Yes.

25 Q How much were you paid?

1 A \$375 an hour.

2 Q And has an LM20 been filed related to your work at BHM1?

3 A Yes.

4 Q And when you arrived at BHM1, were you issued a badge with
5 your picture on it?

6 A Yes.

7 Q Can you tell me specifically what it was that you were
8 engaged to do at BHM1?

9 A Excuse me. Sure. Essentially, I was engaged to do two
10 things. Prior to the mail ballot period, I was asked to sit in
11 on group meetings held with associates that were run by
12 employee relations individuals from Amazon. And then once the
13 mail ballot period started on February 8th, I believe, I was to
14 make myself available to associates to ensure that they had
15 received their mail ballots. And if they had any questions
16 about the process, I was available to answer those questions.

17 Q You mentioned small group meetings. Did you lead any of
18 those meetings, Mr. Moss?

19 A No.

20 Q Did you speak in front of the group at any of these small
21 group meetings?

22 A Yes.

23 Q And can you tell me what it is that you spoke about in
24 front of these small group meetings?

25 A Mainly, I was there to answer any questions that came up

1 that the employee relations individuals from Amazon could not
2 handle. But essentially, during my time in the meetings, I
3 dealt with three main issues. Number one, the mail ballot
4 process, number two, the right to work status of Alabama and
5 how that impacted or potentially could impact the associates.
6 And then third, there were some questions regarding the
7 collective bargaining process.

8 Q And what is -- what is it that you told the employees in
9 these small group meetings about the mail ballot process?

10 A Well, essentially, we would go through the -- the kit that
11 they would be receiving from the NLRB, instructing them how to
12 properly fill out the ballot to ensure that their vote would be
13 counted by the NLRB.

14 Q And what is it that you told the employees at the small
15 group meetings about right to work in Alabama?

16 A Well, I wanted to make sure they understood the current
17 law in Alabama in regards to right to work, that currently if
18 the Union was selected, there was no legal obligation for any
19 associate to join or pay union dues as a condition of their
20 employment, if the Union should be selected as their
21 representative.

22 Q Did you ever tell employees at BHM1 that if the Union was
23 selected as their exclusive bargaining representative that they
24 would have to pay dues to the Union?

25 A No.

1 Q Do you recall anybody saying anything like that in any of
2 these small group meetings?

3 A No.

4 Q You also mentioned that you spoke about collective
5 bargaining in front of the employees at these small group
6 meetings. What is it that you told these employees about
7 collective bargaining?

8 A Well, essentially, I just clarified the -- the act, and
9 what the act says, as well as, essentially, you know, letting
10 them know that the obligations are to meet to confer in good
11 faith and to put into writing any agreement reached or
12 requested. Although, the law does not require that the parties
13 make a concession to one another. However -- and ultimately,
14 that as a result of collective bargaining, employees could end
15 up with more wages and benefits than they had prior to the
16 Union, the same amount that they had, or potentially could end
17 up with less.

18 Q Did you ever tell any employees at BHM1 that if the Union
19 was selected as their bargaining representative, that they
20 would lose pay and benefits?

21 A No.

22 Q Did you ever tell employees at BHM1 that if the Union was
23 selected as their exclusive bargaining representative, that the
24 things that they had in terms of wages and benefits would be at
25 risk?

1 A Sure. Sure.

2 Q In what way would you describe that to them?

3 A Well, essentially that, you know, if the Union was
4 selected, that their current wages and benefits would remain in
5 a status quo position, which meant that the Employer would have
6 to retain all its normal policies and procedures while
7 bargaining was going on. But if there was a contract at some
8 point, they could end up with a scenario that they ended up
9 with more than what they had, the same as what they had, or
10 less than what they had prior to the Union being selected.

11 Q So when you told employees that they might gain some, or
12 might stay the same, or they might lose some, is that what you
13 meant by saying that you told them and may -- what they had may
14 be at risk?

15 MR. DAVIES: Objection. Leading.

16 HEARING OFFICER MEYERS: Sustained.

17 Q BY MR. SCROGGINS: So when you testified earlier that you
18 mentioned to employees that what they had may be at risk, what
19 specifically did you say to employees that communicated that?

20 A Well, essentially, that collective bargaining is the law
21 of state, so were at least case law states. You know, the
22 right to union representation does not guarantee the right to a
23 better deal.

24 Q Okay. And did you tell employees that in collective
25 bargaining they may gain?

1 A Sure.

2 MR. DAVIES: Objection. Leading.

3 HEARING OFFICER MEYERS: Sustained.

4 Q BY MR. SCROGGINS: Mr. Moss, what exactly is it that you
5 told employees about the process of collective bargaining?

6 A Sure.

7 MR. DAVIES: Objection. Asked and answered.

8 HEARING OFFICER MEYERS: I'm -- I'm going to overrule that
9 objection.

10 A Sure. Essentially, I stated that in collective
11 bargaining, employees could end up with more wages and benefits
12 than they had prior to the Union, they could end up with the
13 same wages and benefits, or they potentially could end up with
14 less wages and benefits.

15 Q BY MR. SCROGGINS: Other than that, what you just told me,
16 did you -- did you say anything else to employees in these
17 small group meetings about what the result of collective
18 bargaining might be?

19 A No.

20 Q And did you prepare, author, or edit any of Amazon's
21 campaign communications or small group meeting presentation
22 content?

23 A No.

24 Q When you arrived at BHM1, did you receive any instructions
25 from Amazon about what to say, what not to say, what to do, or

1 what not to do?

2 A Yes.

3 Q And who did you receive that instruction from?

4 A Todd Logan.

5 Q And who is Todd Logan?

6 A Todd was the individual who was in charge of the case,
7 ambassador for Amazon.

8 Q And what instructions did you receive from Todd Logan
9 about what to do, what not to do, what to say, and what not to
10 say while you were working at BHM1?

11 A Well, the instructions of what I was to do was to support
12 the employee relations team in the group meetings. And once
13 the ballot period started, to make sure associates were
14 receiving their ballots. And if they had any questions about
15 the ballot process, I would be available to answer those
16 questions. In terms of what I was told not to do, I was told
17 not to violate any of the laws under the National Labor
18 Relations Act.

19 Q Okay. Were you instructed not to ask any employees if
20 they had voted?

21 A Yes.

22 Q And did you follow those instructions?

23 A Yes.

24 Q Did you ever ask an employee if they had voted?

25 A No.

1 Q Were you instructed not to ask employees how they had
2 voted?

3 A Yes.

4 Q And did you follow that instruction?

5 A Yes.

6 Q Did you ever ask an employee at BHMI how they voted,
7 whether for or against the Union?

8 A No.

9 Q And once ballots were mailed, did your role there at BHMI
10 change?

11 A I'm not sure I understand the question. Ultimately, no.
12 I mean, my role was still the same once the ballots began going
13 out, was to make sure folks were receiving their ballots. And
14 that if they have any questions about how to -- about the
15 ballot process, I was there to help answer those questions.

16 Q Okay. And in the course of your workday at BHMI, were you
17 provided with a list of employees?

18 A Yes.

19 Q And how often were you often were you provided with a list
20 of employees?

21 A Daily.

22 Q And who provided you these lists?

23 A Someone from the employee relations Amazon team.

24 Q And can you tell me, what was the purpose of the list?

25 A Well, the purpose of the list, I was in a fairly large

1 area, had the mods universal stations area, and it simply just
2 allowed me to put a face to a name and to know which employees
3 were on premises. Because they had a number of different
4 shifts.

5 Q And did -- did you carry this list on the floor with you?

6 A Yes.

7 Q And did you make any notes on these lists?

8 A Yes.

9 Q And what kind of notes would you make on the list?

10 A Well, several. First, if they had received their ballot,
11 I made that notation. If they shared willingly that they had
12 voted already, I noted that. I noted that if they had not
13 received their ballot. And I also noted whether they had
14 received a destroyed or damaged ballot kit.

15 Q Okay. And would you turn these lists into anyone?

16 A Yes, to the employee relations team.

17 Q Okay. And what will be communicated to the employee
18 relations team when you turned this list in to them?

19 A Nothing than other that was written on the list.

20 Q Which was what?

21 A Whether they received their ballot, whether they had said
22 they had voted no willingly, or voted -- excuse me, voted
23 willingly, whether their ballot kit was defaced -- or excuse
24 me, damaged, or they had not received it.

25 Q Did you ever report on this list what -- how somebody

1 voted?

2 A No.

3 Q Did you ever report on this list how you believe somebody
4 might've voted?

5 A No.

6 Q Do you know what happened to these lists?

7 A No.

8 Q If an employee indicated to you that they had not received
9 their ballot from the NLRB, what would you do?

10 A Well, I would make a point to follow up with the employee
11 and provide them with a little piece of paper that Amazon had
12 given us that had the information to the NLRB. I think there
13 were two phone numbers on there, one in local Birmingham, one
14 in Atlanta. And then there was some email addresses for either
15 case officers or board agents from the NLRB who were involved
16 in the case.

17 Q And if any employee indicated if there a problem with the
18 ballot that they had received, what would you do then?

19 A Well, I would, again, give them the list that I had just
20 mentioned. And again, encourage them to contact the NLRB so
21 that they could get a replacement ballot sent to their location
22 in order so that they could take their opportunity to have
23 their voice heard, and vote.

24 MR. SCROGGINS: Madam Hearing Officer, could you ask the
25 bailiff to show the witness Employer Exhibit 84?

1 HEARING OFFICER MEYERS: Madam Bailiff, can you please put
2 up Employer's Exhibit 84?

3 THE BAILIFF: Sure. Give me a second. I'm looking for
4 it. I see Exhibit -- oh, I see it now.

5 MR. ROUCO: Was this exhibit just loaded?

6 MR. SCROGGINS: I believe it was loaded this morning.

7 MR. ROUCO: This morning? Okay.

8 Q BY MR. SCROGGINS: Mr. Moss, do you see Employer's Exhibit
9 84 on your screen?

10 A I can, barely.

11 Q Okay.

12 A I don't have my reading glasses. There we go. Thank you.

13 Q There we go. Mr. Moss, do you recognize this document?

14 A Yes.

15 Q Have you seen it prior to today?

16 A Yes.

17 Q Can you tell me what it is?

18 A Yes. That was the slip of paper provided by Amazon to us
19 to give to associates that may be having issues with either not
20 receiving their ballot or a damaged ballot, and they would like
21 to request ballot.

22 Q And is this a true and accurate copy of the slip of paper
23 that you would provide to employees if they indicated that they
24 had not received a ballot or have a problem with the ballot
25 they had received?

1 A It looks to be accurate, yes.

2 Q Thank you.

3 MR. SCROGGINS: Employer moves to offer -- offer this into
4 evidence Employer's Exhibit 84.

5 HEARING OFFICER MEYERS: Any objections to Employer's
6 Exhibit 84?

7 MR. DAVIES: No objection.

8 HEARING OFFICER MEYERS: Okay. Employer's Exhibit 84 is
9 admitted into evidence.

10 **(Employer Exhibit Number 84 Received into Evidence)**

11 Q BY MR. SCROGGINS: Mr. Moss, this Employer's Exhibit 84,
12 is this the piece of paper you would hand to an employee if
13 they indicated that they had not received a ballot?

14 MR. DAVIES: Objection. Asked and answered.

15 HEARING OFFICER MEYERS: Objection's sustained.

16 MR. SCROGGINS: Okay.

17 Q BY MR. SCROGGINS: Mr. Moss, did any employees decline to
18 speak with you?

19 A Yes.

20 Q Was it the employee's option to speak with you?

21 A Yes.

22 Q Could an employee refuse to speak with you?

23 A Absolutely.

24 Q If any employee declined or refused to speak with you, did
25 you honor that choice and stop communicating -- communicating?

1 A Yes. Yes.

2 Q Other than the list that you testified about, and then,
3 you spoke to Employer's Exhibit 84, this slip of paper with the
4 NLRB contact information on it, did you carry -- carry anything
5 else out on the floor with you related to your work at BHM1?

6 A Yeah. We were provided sample mail ballot kits that we
7 also carried on the floor.

8 Q Can you tell me what was the purpose of the sample mail
9 ballot kit?

10 A To be able to, you know, show the associates what they
11 would be receiving in their mail ballot kit from the NLRB.
12 And -- and so that they could ensure that their kit was
13 complete, give them the best opportunity to cast their ballot.

14 Q Okay. Did you ever tell or ask an employee to vote no?

15 A No.

16 Q Did you ever assist an employee in completing a ballot
17 that they had received from the NLRB?

18 A No.

19 Q Did any BHM1 employees express to you any confusion about
20 how to properly complete their mail ballots to make sure that
21 their vote counted?

22 A Yes.

23 Q Can you tell me some -- about some of the confusion, or
24 comments, that you received back from employees about that?

25 A Sure. There were -- there were several common ones. The

1 most common was the signature aspect of the process in terms of
2 signing the yellow ballot out of the yellow envelope. Some
3 folks did not know how to sign their name in cursive, so they
4 didn't know if printing was acceptable. So there were
5 questions about that, a lot of questions about that. And
6 questions about whether the blue ballot goes into the yellow,
7 or the yellow into the blue. Things like that were pretty
8 common.

9 Q Were you engaged to perform any employee polling, tracking
10 of union sentiment, or counting of votes of BHM1 employees?

11 A No.

12 Q And did Amazon ever ask you to perform any polling of
13 employees, track employee sentiment about unions, or count
14 votes of BHM1 employees?

15 A No.

16 Q And in fact, did you engage in any employee polling,
17 tracking of union sentiment, or counting of votes?

18 A No.

19 Q And are you aware of anyone at BHM1, whether an Amazon
20 employee or another labor consultant, engaging in employee
21 polling, tracking of union sentiment, or counting of votes of
22 BHM1 employees?

23 MR. DAVIES: Objection. Lack of foundation.

24 HEARING OFFICER MEYERS: Could you --

25 MR. SCROGGINS: I just asked him if he's aware.

1 HEARING OFFICER MEYERS: I'm going to sustain. I'm sorry,
2 can -- can you -- I sustained the objection. I didn't hear
3 what you said, Mr. Scroggins. You were speaking while I was
4 speaking.

5 MR. SCROGGINS: Yes, Your Honor.

6 HEARING OFFICER MEYERS: Sustain the objection. You can
7 rephrase.

8 MR. SCROGGINS: Yes.

9 Q BY MR. SCROGGINS: Mr. Moss, did you ever hear or become
10 aware of any -- any other labor consultant or BHM1 employee
11 engaging in any employee polling, tracking of union sentiment,
12 or counting of votes of BHM1 employees?

13 MR. DAVIES: Objection. Calls for hearsay.

14 HEARING OFFICER MEYERS: Rephrase. Sustained.

15 Q BY MR. SCROGGINS: Mr. Moss, in your time there at BHM1,
16 were you aware of anyone else engaging in employee polling,
17 tracking of union sentiment, or counting of votes of BHM1
18 employees?

19 MR. DAVIES: Objection. Lack of foundation.

20 HEARING OFFICER MEYERS: I'm going to overrule that
21 objection.

22 THE WITNESS: Can I answer the question?

23 MR. SCROGGINS: Yes, please.

24 A No.

25 Q BY MR. SCROGGINS: Did any BHM1 employee ever volunteer to

1 you whether they were for the Union or not?

2 A Yes.

3 Q And if an BH -- if a BHM1 employee ever volunteered to you
4 whether they were for the Union or not, did you ever track
5 that, or record that, in any way?

6 A No.

7 Q For example, if a BHM1 volun -- employee volunteered to
8 you that they were for or against the Union, would you make
9 marks or record that on any of the lists that you provided?

10 A No.

11 Q Did you ever report to any Amazon employee or other
12 consultant whether an employee had volunteered to you they were
13 for the Union or not?

14 A No.

15 Q Were you ever asked by anyone at Amazon whether any
16 particular BHM1 employee was either for or against the Union?

17 MR. DAVIES: Objection. Vague.

18 HEARING OFFICER MEYERS: I'm -- I'm going to overrule the
19 objection. I'll accept it for -- if the answer is a
20 little -- evaluate the answer.

21 A Can you repeat the question, please?

22 Q BY MR. SCROGGINS: Yes, sir. Were you ever asked by
23 anyone at Amazon whether any particular BHM1 employee was in
24 favor of, or against, the Union?

25 A No.

1 Q And did you ever report, either verbally or -- or in
2 writing, to anyone with Amazon whether you perceived any BHM1
3 employees be for or against the Union?

4 A No.

5 Q And were you asked by Amazon to solicit any employee
6 grievances, concerns, or complaints about their job or their
7 work?

8 A No.

9 Q And in fact, did you solicit any employee grievances,
10 concerns, or complaints about work at BHM1?

11 A No.

12 Q Did any BHM1 employee ever volunteer to you any concerns,
13 complaints, or grievances they had about their job or work?

14 A Sure.

15 Q And when that happened, would a BHM1 employee would
16 volunteer to you any -- any concern, complaint, or grievance
17 they had about their work, what would you do?

18 A Well, I would try to -- to get them in contact with the
19 proper person at Amazon that could help them with their
20 concern.

21 Q Did you ever try to resolve any of their issues yourself?

22 A No, that -- that was outside my scope.

23 Q Were Peccy -- Mr. Moss, do you know what a Peccy pin is?

24 A Yes.

25 Q Were there any Peccy pins made available to employees at

1 BHM1 in the course of your work there?

2 A Yes.

3 Q And were there more than one type of Peccy pin made
4 available to employees at BHM1 during the course of your work
5 there?

6 A Yes.

7 Q How many different types of Peccy pins were made available
8 to employees?

9 A Two that I saw.

10 Q Can you describe for me the two types of Peccy pins that
11 were made available?

12 A Sure. They were both of the same little Peccy guy, one
13 said "Vote no", and the other one said, "I voted".

14 Q All right. How were the "Vote no" Peccy pins made
15 available to employees at BHM1?

16 A In -- well, in the meetings that I was a part of prior to
17 the mail ballot period, employ -- associates would come into
18 the meetings, at some point halfway during the meetings or so,
19 someone from HR would put the Peccy pins on a table near the
20 exit to the conference room. And someone from the
21 emp -- whoever was giving the meeting, via it from employ
22 relations, would mention that if they, associates would like
23 to, on their way out, they could grab a "Vote no" pin that was
24 on the table.

25 Q Did you ever see any -- did you ever see any Amazon

1 employee directly hand a "Vote no" Peccy pin to a BHM1
2 employee?

3 A No.

4 Q And did you ever give any "Vote no" Peccy pins to a BHM1
5 employee?

6 A Yes.

7 Q Can you describe for me what would be -- what were the
8 circumstances around you giving a "Vote no" Peccy pin to a BHM1
9 employee?

10 A Sure. Generally speaking, it was because they had lost
11 the Peccy pin, or it had fell off their lanyard or vest or
12 whatever. And many of the associates knew me, and I had gained
13 relationships, and they would come up and ask, "Hey, I lost my
14 Peccy pin. Can I get another?"

15 Q Did you ever give a "Vote no" Peccy pin to a BHM1 employee
16 without them asking you for one?

17 A No.

18 Q And how were the "I voted" Peccy pins made available to
19 BHM1 employees?

20 A Well, essentially, they were given to us when we were out
21 there engaging employees one-on-one post-mail ballots going
22 out. And you know, we -- we used them when people had either
23 informed us voluntarily that they voted, or you know,
24 essentially, to -- I -- I used them as ways really just to, you
25 know, make sure people got their Peccy's. They loved their

1 Peccy's there. So I gave them out rather liberally.

2 Q Did an employee have to confirm to you that they had in
3 fact voted in order to get an "I voted" Peccy pin?

4 A No.

5 Q If an employee simply asked for an "I voted" Peccy pin,
6 would you just give one to them?

7 A Sure.

8 Q And if an employee asked for an "I voted" Peccy pin, did
9 you confirm with him in any way that they in fact had voted
10 before giving them the pin?

11 A No.

12 Q You had mentioned earlier, you were talking about
13 collective bargaining, when you told -- when you were talking
14 to employees about collective bargaining, did you -- did you
15 offer the fact that there were multiple possible results of
16 collective bargaining between an employer and a union?

17 MR. DAVIES: Objection. Asked and answered.

18 MR. SCROGGINS: Madam Hearing Officer, we can't hear you.

19 HEARING OFFICER MEYERS: Oh, I'm sorry. I muted myself.
20 I muted myself instead of unmuting myself. My apologies. I
21 overruled the objection.

22 A Can you repeat the question?

23 Q BY MR. SCROGGINS: Yes, Mr. Moss. When you were talking
24 to employees about collective bargaining, did you tell them
25 that there are multiple possible results of collective

1 bargaining between an employer and a union?

2 A Yes.

3 Q Okay. And what were those three possible results that you
4 told them?

5 A They could end up with more, the same, or less.

6 MR. DAVIES: Objection. Asked and answered. We -- we've
7 been over this several times.

8 HEARING OFFICER MEYERS: I'm -- I'm going to sustain that
9 objection.

10 MR. SCROGGINS: I don't think I have any further for this
11 witness at this time.

12 HEARING OFFICER MEYERS: How much time do you need, Mr.
13 Davies, to prepare for cross? I think I did tell you that you
14 could have lunch.

15 MR. DAVIES: Yeah, you did say that we could eat lunch.

16 HEARING OFFICER MEYERS: Yeah.

17 MR. DAVIES: You said you were give us an hour.

18 HEARING OFFICER MEYERS: Do you need --

19 MR. DAVIES: I need lunch to prepare.

20 HEARING OFFICER MEYERS: Do you need a full half hour
21 to -- to prepare? What if we did 45 minutes? Is that enough
22 to prepare?

23 MR. DAVIES: Yeah. And eat lunch?

24 HEARING OFFICER MEYERS: And eat lunch. Prepare and eat
25 lunch. We could do it at the same time, multitasking. No?

1 MR. DAVIES: That's difficult. Well, you -- you're the
2 hearing officer, so. And I will have to prepare --

3 HEARING OFFICER MEYERS: I will give you -- I will -- out
4 of an abundance of caution, I will give you -- how about 48
5 minutes? Let us go -- can we go until 2:05?

6 MR. DAVIES: Definitely.

7 HEARING OFFICER MEYERS: 1:05 your time?

8 MR. DAVIES: That would be fine. Thank you, Madam Hearing
9 Officer.

10 HEARING OFFICER MEYERS: Okay. We will -- we will be in
11 recess until 1:05.

12 Mr. Moss, we are going to be in recess so they can prepare
13 for cross-examination. You can turn off your camera and
14 your -- to your audio. But it's easiest if you can just stay
15 logged in. And we will reconvene again at 2:05. I'm not sure
16 where you are, since it appears you're in a hotel room, so
17 whatever time is -- is -- it's 1:15 -- 1:13 here, so in 2:05 my
18 time or 1:05 Central Time. And until then.

19 THE WITNESS: That sounds fine, Your Honor.

20 HEARING OFFICER MEYERS: Okay. Until then, we will be off
21 the record.

22 (Off the record at 12:13 p.m.)

23 HEARING OFFICER MEYERS: Mr. Moss, just a reminder, you
24 are still under oath.

25 THE WITNESS: Yes, Madam Hearing Officer.

1 HEARING OFFICER MEYERS: Thank you.

2 Mr. Davies, your witness.

3 MR. DAVIES: Thank you.

4 **CROSS-EXAMINATION**

5 Q BY MR. DAVIES: Good afternoon, Mr. Moss.

6 A Good afternoon.

7 Q Can you hear me okay?

8 A Yes, sir.

9 Q Okay. Great. There's a little bit of an echo in your
10 room. So we'll do our best.

11 A Apologies.

12 Q No problem. Mr. Moss, you said that you were -- or you
13 are a self-employed management-side labor relations consultant.
14 And you've been doing that for 22 years; is that correct?

15 A That's correct.

16 Q And what did you do before you were a labor relations
17 consultant?

18 A I was a PGA golf professional.

19 Q PGA golf professional? Okay. That sounds like a fun job.

20 A Well, I'm very good at it.

21 Q And so how did you -- well, let me ask you this. Do you
22 have a -- a degree in labor relations or a law degree or --

23 A Oh, I have a --

24 Q -- what's your educational background?

25 A Sure. I have a business administration degree from Loyola



1 Marymount University.

2 Q Which -- which Loyola Mary -- Marymount? California?

3 A Yes, Los Angeles.

4 Q Okay. And so you were a PGA golf professional, then you
5 just decided to become a labor relations consultant?

6 A Odd -- odd choice, I admit. No, I was recruited by Mr.
7 David Burke to join his firm back in 1995 -- 1999.

8 Q And David Burke, is he also a -- or was he a labor
9 relations consultant as well?

10 A Yes.

11 Q Is -- is that who you work for now?

12 A No, I'm a 1099 independent self-employed consultant.

13 Q Okay. So for the Amazon campaign, did you work through
14 another company or were you hired by Amazon directly?

15 A I worked through another company.

16 Q Which company was that?

17 A The Burke Group.

18 Q Is that Mr. Burke we just talked about?

19 A Yes.

20 Q And where is his company located?

21 A Malibu, California.

22 Q All right. And you were just one of several labor
23 consultants working the Amazon campaign; is that correct?

24 A Yes.

25 Q Do you know how many other labor consultants were working

1 this campaign?

2 A Let me think, one, two, I believe there was nine total.

3 Q Okay. And you were paid \$375 an hour?

4 A That's correct.

5 Q And that was to discuss the -- or excuse me, to discuss
6 with employees mail ballot procedures?

7 A That was part of it, as well as to support the employee
8 relations teams in the group meetings that I attended.

9 Q Okay. And -- and also to discuss the right to work law in
10 Alabama?

11 A That came up in the meetings. That was not part of my
12 initial scope of work. It just happened to be questions that
13 came up in the meetings very commonly.

14 Q And then to discrepancy the -- what could happen in
15 collective bargaining which you said was maybe you could get
16 more, you might get less, or you might get the same.

17 A Yes. Again, in relation to questions that would come up
18 in the group meetings.

19 Q And so you were -- you say you began around the 26th of
20 January. Is that correct?

21 A Yes.

22 Q And you worked until March 22nd?

23 A Yes.

24 Q And did you work a particular shift?

25 A Yeah. I -- my shift generally started at 7 a.m. and ended

1 at 5 p.m.

2 Q So it was a 10-hour day, approximately?

3 A Yes.

4 Q All right. And I think you mentioned you were working in
5 a particular area called universal mod or mod universal?

6 A Yeah. Those were the universal stations where they did
7 picking, stowing, and counting.

8 Q Okay. And how many employees were in those stations
9 during a shift you would work?

10 A One employee per each station.

11 Q How many stations were there?

12 A Oh boy. There were probably approximately 160 per floor,
13 four floors. So do the math, about 640 stations.

14 Q And were you -- were you asked to reach out to each of
15 those stations on each shift that you worked?

16 A You know, based on the list I was given, I was asked to
17 reach out to the people on the list, which were generally the
18 folks in the stations.

19 Q Okay. So you were given a list each day by employee
20 relations?

21 A Yes.

22 Q And on that list, there were approximately 600 employees
23 each day?

24 A Not that many. I would probably say it was more around
25 300 each day, depending on, you know, whether or not another

1 person would have part of that portion.

2 Q So you were given a list each day of approximately 300
3 employees that you were expected to reach out to?

4 A Yeah. That's correct.

5 Q And did this list that you had, did it have the employees
6 picture on it and their name or just their name?

7 A It had their picture and their name and typically the
8 station that they were assigned to.

9 Q Did it have any other information?

10 A No.

11 Q And was this a -- a computer-generated list or was it a
12 handwritten list?

13 A I believe they called it the on-premise report.

14 Q On-premise report. Okay.

15 And how many pages was this list? If you said there was
16 300 names on it, how many pages did it comprise?

17 A There were generally about 15 on a page, so again, do the
18 math, but about 15 pages.

19 Q And did you carry it around in a -- in a notebook or on a
20 clipboard or anything like that?

21 A No. It was in my back pocket.

22 Q In your back pocket. Okay.

23 Now, did you have a script for when you went on the floor
24 to talk to employees?

25 A A script? No.

1 Q Okay. And when you went out on the floor to talk to the
2 employees, did the -- did the efforts to talk to them include
3 asking them whether or not they had received their ballot?

4 A Yes.

5 Q And did you ask them anything else?

6 A Sure. I asked them if they had an opportunity to check to
7 see if everything was in the ballot kit, meaning the -- it was
8 fully assembled. Two -- two envelopes, as we discussed in the
9 meetings, an actual ballot, and ballot instructions.

10 Q Okay. Now, did employees -- I'm sorry; I heard that.
11 Okay. We're good. I heard a sort of --

12 HEARING OFFICER MEYERS: I did. I'm not sure if that's
13 Mr. Moss' background noise where you're at?

14 THE WITNESS: Yeah. Probably, Madam Hearing Officer. I
15 am in a hotel, as you surmised, and I am near a freeway,
16 unfortunately.

17 HEARING OFFICER MEYERS: Okay. All right. So
18 that -- that might explain it because this time, it's -- it's
19 not my fault, which is good with the last one, that was my
20 husband talking behind me.

21 But if -- Mr. Scroggins, if you could mute yourself just
22 in case it's coming from your end, but I think that's the only
23 other microphone that's on, so we will -- we will -- we will
24 deal with it as we need to.

25 MR. SCROGGINS: I'll mute myself, but I don't think it was

1 me.

2 HEARING OFFICER MEYERS: Okay. If it's not you, then you
3 don't need to mute.

4 Q BY MR. DAVIES: Now, if you didn't have a script, were you
5 told what you were allowed to say to employees when you went on
6 the floor?

7 A Was I to -- no. I -- I've been doing this many years.
8 I -- I have a way in which I know how to engage employees
9 in -- in a legal manner.

10 Q And so you asked employees whether or not they had
11 received their ballot.

12 A Yes.

13 Q Right?

14 Did any employees bring their ballot to work, that you
15 were aware of?

16 A Not that I saw.

17 Q Did you hear of employees bringing their ballots to work?

18 A I did hear of a few employees that brought their ballots
19 to work that were damaged and they wanted to know what to do
20 about it.

21 Q Okay. Now, did you encourage any employees to use the
22 mailbox in front of the building to drop their ballots?

23 A No. I wouldn't say encouraged. In the meetings I did
24 when I talked about the mail ballots, I always told employees
25 that the most effective and secure way to mail their ballot

1 would be to find a U.S. Postal blue receptacle, either at a
2 postal office or their supermarket or on a street corner,
3 whatever the case may be, that that would be the optimum area
4 to place their ballot, but I certainly did make folks aware
5 that there was a place outside of Amazon that was also
6 available to them to cast their -- or mail their ballots.

7 Q So you did then tell employees that there was a mailbox
8 outside of Amazon in which they could drop the ballots?

9 A Yes. That's -- that is correct.

10 Q Okay. Now, how many captive audience meetings did you
11 attend?

12 A Boy, not entirely sure. But I would say given the two
13 weeks and the two different meetings, I probably attended 50.

14 Q And you said that there was an employee relations
15 individual who was leading the meeting?

16 A Yes.

17 Q Okay. Now, did they have a script that they read from or
18 worked from?

19 A Not that I saw.

20 Q And did they present any written information during the
21 meeting?

22 A Yes.

23 Q What was that?

24 A They generally would hand out two flyers, informational
25 flyers that the associates could take with them, as well as the

1 employee relations manager covered the content of those flyers
2 during the meeting.

3 MR. DAVIES: Madam Hearing Officer, can we ask the bailiff
4 to put up Employer Exhibit 70?

5 HEARING OFFICER MEYERS: Madam Bailiff, could you put up
6 Employer's Exhibit 70, please?

7 THE BAILIFF: Yes. It's taking a minute, but I'll load it
8 in a second. It should be up.

9 MR. DAVIES: Okay. Thank you. If you can -- Madam
10 Bailiff, if you can just scroll slowly through this and let the
11 witness see if he can identify it.

12 If she's going too fast, Mr. Moss, just tell her to stop
13 or slow down.

14 Okay. Okay. I think that's the last page of the exhibit.
15 That's good. Thank you. If you could scroll back up to the
16 first page of the exhibit. Thank you, Madam Bailiff.

17 Q BY MR. DAVIES: Mr. Moss, did you have an opportunity to
18 review that document?

19 A Yeah, I -- I -- I -- I got the gist of it, yes.

20 Q And do you recall whether or not this was one of the
21 written presentations that was made at any of the captive
22 audience meetings you went to?

23 A Yeah. The -- the -- the information definitely looks very
24 familiar and would have been part of the PowerPoint deck.

25 Q Okay.

1 MR. DAVIES: Madam Bailiff, if you can scroll to page 244,
2 Bate labeled 244. Now -- oops. Down. If you can go down.
3 Thank you. That's good.

4 Q BY MR. DAVIES: Do you see that page, Mr. Moss?

5 A I do.

6 Q And this page has some information, statements from some
7 NLRB cases or parent NLRB cases, citations to cases. Did you
8 talk about any of these cases during this meeting? During any
9 of the meetings that you went to?

10 A Only in relation to if -- if a question came up regarding
11 collective bargaining and specific to -- to one of the
12 case -- the cases mentioned here.

13 Q So then you -- you answered questions about these cases?

14 A Yes. Sure.

15 Q How many times did that come up?

16 A A handful? Say, less than five.

17 Q And did the employee relations representative from Amazon
18 that was there direct questions concerning these statements, if
19 one came up, to you?

20 A Not in all cases, no. But in some cases, yes.

21 Q Okay. And what -- in which cases would they direct those
22 questions to you?

23 A Well, again, it -- well, it's hard for me to recollect the
24 specific instance where that would have occurred, but you know,
25 if -- if they want -- for example, forgive me, my -- maybe I

1 can increase the size here. I can't see it. Yeah, if
2 they -- again, if they -- they wanted to talk about again the
3 more, same, less aspect of things, I would just talk about
4 the -- the specific case law that explains some of the
5 potential consequence of collective bargaining.

6 Q Okay. So the -- the more, same, less, that was kind of
7 your man -- mantra?

8 A Sure. Sure.

9 Q All right. And how often did this come up during the
10 captive audience meetings that you went to?

11 A Again, just a -- just a handful. Less than five. There
12 weren't many questions in the meetings.

13 Q Okay. And so there -- you didn't -- did you have any
14 script during these meetings that you worked from?

15 A No.

16 Q Okay. All right. Now, with respect to the -- your time
17 that you spent on the floor, asking employees --

18 MR. DAVIES: You can take that down, Madam Bailiff. Thank
19 you.

20 Q BY MR. DAVIES: In your time on the floor, reaching out to
21 employees about their ballots, did you speak to all 300
22 employees on your list every day?

23 A No.

24 Q What's that?

25 A No.

1 Q No. Okay. And was that because you couldn't get to all
2 of them or because some of them didn't want to talk to you?

3 A A number of different reasons. Some individuals would be
4 on the premise -- on-premise report and would have either taken
5 voluntary time off, leave early, not show up, or they would
6 have been certain -- a small number of instances where they did
7 not want to talk to me --

8 Q But main --

9 A -- small.

10 Q Okay. Small number of instances they didn't want to talk
11 to you.

12 A Yes.

13 Q All right. And you said that you kept this list, and what
14 would you notate on the list again? You said you would notate
15 whether or not they had received the ballot?

16 A Whether or not they had received their ballot, whether or
17 not there was a -- were any issues or damage with their
18 ballots, whether or not they happened to volunteer that they
19 had voted, and I believe that was it.

20 Q So whether they had received their ballot, whether they
21 had damaged -- had a damaged ballot, and whether or not they
22 had voted.

23 A Correct.

24 Q Okay. And did you have a -- a particular system to mark
25 these different categories on your list that you had?

1 A Sure. If they had voted, it was a "V". If they had
2 mentioned voluntarily that they had -- or if they had received
3 their ballot, it was an "R", and if they had a damaged ballot,
4 it was a "D".

5 Q Okay. All right. And if an employee -- I think you
6 testified that on occasion, an employee would volunteer how
7 they voted.

8 A Yes.

9 Q And did you record that on this list?

10 A No.

11 Q Okay. Did you inform management or anyone in employee
12 relations that an employee had volunteered how they had voted?

13 A No.

14 Q So you kept that all to yourself, you're saying?

15 A Yes.

16 Q So this list that you marked down at the end of the day or
17 during your shift whether they'd received the ballot, whether
18 they had a damaged ballot, whether or not they had voted, you
19 turned that list in at the end of the day?

20 A Yes.

21 MR. SCROGGINS: Objection. Mischaracterizes prior
22 testimony. He -- he said he would mark it if they volunteered
23 that they had voted. Mr. Davies' question mischaracterized his
24 prior testimony.

25 HEARING OFFICER MEYERS: I -- I will sustain that

1 objection.

2 Q BY MR. DAVIES: So if you marked -- so if you spoke to an
3 employee and you marked that he -- he or she had received the
4 ballot or had a damaged ballot or whether or not they had
5 voted, you would mark that down on your list. Is that correct?

6 MR. SCROGGINS: Same objection. I think Mr. Davies'
7 question mischaracterizes prior testimony, which was that he
8 would only mark if they volunteered that they voted.

9 MR. DAVIES: I'm asking him whether or not they -- whether
10 or not --

11 HEARING OFFICER MEYERS: I'm going to overrule the
12 objection. I think the way he phrased it is fine.

13 Go ahead, Mr. Davies.

14 Mr. Moss, you can answer.

15 A Can you repeat the question again, please?

16 Q BY MR. DAVIES: Well, if you -- you would -- you had a
17 list of employees that you were supposed to contact each day
18 about the mail ballot election process, correct?

19 A Correct.

20 Q So if you went up to an employee, you had to ask them
21 about whether or not they had received their ballot, correct?

22 A Generally speaking, what I would do is I would hold up the
23 sample ballot and I'd say, did you receive this.

24 Q Okay. Well, obviously, you weren't waving around a menu
25 for lunch. You're waving around the sample ballot that

1 they -- that Amazon had given to you, correct?

2 A Yes.

3 MR. SCROGGINS: Objection. Asked and answered.

4 HEARING OFFICER MEYERS: Overruled.

5 Q BY MR. DAVIES: So you were waving around the ballot, the
6 sample ballot, that Amazon had given to you to use for your
7 walk-arounds to talk about the mail ballot process, correct?

8 A That's correct.

9 Q Okay. So if the employee engaged with you, you would ask
10 them whether or not they had received a ballot?

11 A Sure.

12 Q Okay. And if an employee continued to engage with you,
13 you would ask them whether or not they had voted?

14 A No. I would never ask any employee nor did I ever ask any
15 employee whether they voted.

16 Q But if an employ -- but you would just say, did you
17 receive your ballot, if an employee engaged you?

18 A Correct.

19 Q Okay. And that's all you asked?

20 A Well, I also asked if they had an opportunity to see if
21 everything was in the ballot kit -- or all four items that
22 were -- we had talked about in the meetings. If it was
23 complete.

24 Q Okay. Did you ask them anything else?

25 A No.

1 Q Okay. Now, if an employee told you that they had a
2 damaged ballot, what would you do?

3 A Well, I would essentially then hand them the list that was
4 an exhibit earlier or a list -- the -- the form, if you will,
5 from Amazon that provided the associate with the phone numbers
6 to the NLRB as well as the email addresses that they could
7 contact someone at the NLRB to request a replacement ballot.

8 Q Okay. Now, if an employee volunteered to you whether or
9 not they had voted, you notated that, correct?

10 A Correct.

11 Q Okay. And so those notations you made on this list, at
12 the end of the day, what did you do with that list?

13 A I gave it to the employee relations team.

14 Q Okay. Was there a person who was in charge of receiving
15 those lists each day from you?

16 A I generally worked with three of what I guess -- employee
17 relations folks -- Mike Ravell (phonetic) -- and forgive me, I
18 don't know the last names of the others, but it was Andre
19 (phonetic) and -- and also Hope (phonetic).

20 Q And so at the end of the day, you would give them your
21 list showing the information that you had collected during your
22 shift about these -- these items, whether someone had received
23 a ballot, whether or not there was a damaged ballot, and
24 whether or not they had voted, if they had volunteered such
25 information.

1 MR. SCROGGINS: Objection. Mischaracterized prior
2 testimony. Again, he testified that he would mark that if they
3 volunteered that they had voted.

4 HEARING OFFICER MEYERS: And I'm going to overrule that
5 objection.

6 A Can you repeat the question, please?

7 Q BY MR. DAVIES: So I'll -- so on your list, you made
8 notations with information received from employees about who
9 had received the ballot, whether or not they had a damaged
10 ballot, and whether or not they had voted.

11 A Whether or not they had volunteered that they voted.
12 That's correct.

13 Q All right. And you gave that list, at the end of the day,
14 to one, you think, one of the three people -- Mike Ravell,
15 Hope, or Andre?

16 A Correct.

17 Q Okay. And you didn't keep a copy of it?

18 A No.

19 Q Now, the next day, you would get a list of employees
20 working in that same area?

21 A Yes.

22 Q And it would have some of the same names of people on it
23 that you had spoken to the day before?

24 A Yes.

25 Q Okay. And did you speak to those employees again or did

1 you just pass by them?

2 A Well, I depended on the scenario. If I -- I would
3 generally wait a couple days before I reengaged with somebody I
4 had already spoke to.

5 Q Okay. Well, if someone had already volunteered to you
6 that they had voted, what was the reason to reengage with that
7 person?

8 A They generally wouldn't be on the list.

9 Q Okay. So if they had voted, then Amazon gave you a list
10 that day -- or excuse me. Let me rephrase that.

11 If you had reported on your list that an employee had
12 volunteered that they had voted, then the list you got the next
13 day would not that employee's name on it?

14 A Far as I could tell, no.

15 Q Now, let me ask you this. The -- do you recall the
16 cluster box unit that was installed in front of the building to
17 collect mail ballots, correct?

18 A Yes.

19 Q And there was a tent placed around it shortly after it was
20 erected. Do you recall that?

21 A Yes.

22 Q Okay. Did you have discussions with anyone from Amazon
23 about placing a tent around the mailbox?

24 A No.

25 Q And did you notice that the tent had an Amazon campaign

1 slogan on two sides of it?

2 A Yes.

3 Q Did you have any conversations with anyone from Amazon
4 about putting that campaign slogan on the side of the tent?

5 A No.

6 Q Now, you said that if an employee volunteered to you how
7 they voted, you just kept that information to yourself?

8 A Yes.

9 Q You never told anyone from Amazon that information?

10 A No.

11 MR. SCROGGINS: Objection. Asked and answered.

12 HEARING OFFICER MEYERS: Sustained.

13 Can you rephrase, Mr. Davies?

14 Q BY MR. DAVIES: At the end of every day, was there a
15 meeting with Amazon employee relations and the consultants
16 working your shift about the day's activities?

17 A No. We turned in our lists and that was the end of the
18 day.

19 Q So there was no debrief?

20 A Well, pardon me. Yeah. There would be what they call a
21 sync, which would be just a gathering at the end of the day. I
22 wouldn't necessarily characterize it as a debrief.

23 Q Okay. So what was this sync?

24 A The sync was just a way for all of us to end the day, turn
25 in our lists, and really get any instructions for the next day.

1 Q Okay. And what kind of instructions would you receive at
2 the sync meeting at the end of the day?

3 A Generally, what time we were going to meet the next
4 morning, if the areas changed that we were involved in, who was
5 going to be present from the employee relations team from
6 Amazon. I would call it more logistical than anything.

7 Q Was there any discussion of how many people had -- or how
8 much information had been collected regarding how many people
9 had told you that they had voted?

10 A No. I -- I just turned in my list, and I assume they
11 could get that information from there.

12 Q Now, after -- after, I guess, approximately February 8th,
13 did you attend any -- what they call -- meetings where would
14 employees would come to a central location to get their work
15 orders for the day? Did you attend any of those -- I forgot
16 what we called them. There was some testimony earlier in the
17 case, but like a meet-up?

18 A Oh, it's -- you're talking about stand-ups?

19 Q Stand-ups. Thank you. Thank you.

20 A Yeah. You're welcome. And no. That wasn't -- generally
21 speaking, during COVID, they weren't holding stand-ups at that
22 time, so no, they were -- if they were, I was -- I wouldn't
23 know where they were and I didn't attend any.

24 Q Okay. And like you said, you attended approximately 50
25 meetings, but there were many meetings going on throughout the

1 day that you didn't attend of these small group meetings,
2 correct?

3 MR. SCROGGINS: Asked and answered.

4 MR. DAVIES: No. I -- I asked him if there was many
5 meetings that he did not attend.

6 HEARING OFFICER MEYERS: I said overruled. It was muted.
7 So please proceed.

8 Q BY MR. DAVIES: So you said you attended about 50 of these
9 small group, captive audience meetings, correct?

10 A Correct.

11 Q And there were many meetings going on throughout the day
12 that you -- captive audience meetings that you didn't attend,
13 correct?

14 A Correct.

15 Q So you wouldn't know what was discussed during any of
16 those meetings, correct?

17 A No, sir.

18 Q Okay.

19 MR. DAVIES: And Madam Hearing Officer, if I could have a
20 few minutes to confer. We may be -- I may be done with this
21 witness. Mr. Ruoco may have some questions.

22 HEARING OFFICER MEYERS: Okay. Let's go -- do you need
23 five minutes? Will that be enough or should we just say --

24 MR. DAVIES: Five minutes -- five minute should be enough.

25 HEARING OFFICER MEYERS: All right. So let's go to 3:05.

1 Mr. Moss, you're going to have to stay on camera. You can
2 mute, but stay connected because obviously sometimes
3 reconnecting can be difficult. With that, we'll be off the
4 record until 2:05 Central Time, 3:05 Eastern.

5 (Off the record at 3:00 p.m.)

6 HEARING OFFICER MEYERS: Mr. Davies, you can continue.

7 MR. DAVIES: Yes.

8 **RESUMED CROSS-EXAMINATION**

9 Q BY MR. DAVIES: Mr. Moss, so when did this small group,
10 captive audience meetings end?

11 A Boy. So Monday was the 8th. The last one, I believe,
12 ended on Thursday the 5th. Possibly, could have been Friday
13 the 6th. I'm not really sure.

14 Q Okay. And from February 9th to March 22nd, your last day
15 of work -- well, first of all, let me ask you this. How many
16 days a week did you work?

17 A Well, it depended. There would be weeks where I would
18 work seven days a week and there would be weeks where I would
19 go home and maybe work four days a week.

20 Q Okay. And for February 8th to March 22nd, after the
21 captive audience meetings ended, all you did was walk around
22 the floor, talking to employees about their ballots?

23 A That's it.

24 Q And did you encourage people to vote during that time?

25 A Sure.



1 Q Now, were there other consultants during this time doing
2 the same thing you were doing ?

3 A I believe so. I can't speak for them because we acted
4 independently, but I -- I -- I assume so.

5 Q Okay. Now, did any employees volunteer to you that they
6 had used the mailbox out front to drop their ballots?

7 A I'd say yes.

8 Q Okay.

9 MR. DAVIES: I think that's all I have for this witness,
10 subject to recross.

11 HEARING OFFICER MEYERS: Any redirect, Mr. Scroggins?

12 MR. SCROGGINS: Madam Hearing Officer, Employer requests
13 20 minutes to confer with counsel to prepare redirect.

14 HEARING OFFICER MEYERS: Cross was hardly 20 minutes. How
15 about we take 15?

16 MR. SCROGGINS: That would be fine.

17 HEARING OFFICER MEYERS: Okay.

18 MR. SCROGGINS: Thank you.

19 HEARING OFFICER MEYERS: We will go -- we will be in
20 recess until 3:25. I actually gave you a few extra minutes,
21 because I said 20 minutes.

22 MR. SCROGGINS: I appreciate that.

23 HEARING OFFICER MEYERS: You said 20 minutes. Okay. So
24 until 3:25. We're in recess until 3:25. Off the record.

25 (Off the record)

1 HEARING OFFICER MEYERS: Let's go on the record.

2 Mr. Scroggins, do you have any cross-exam -- or redirect
3 for this witness?

4 MR. SCROGGINS: Madam Hearing Officer, Employer does not
5 have any redirect for this witness.

6 HEARING OFFICER MEYERS: Excellent.

7 Mr. Johnson, I see you on. Did you want to weigh in on
8 something?

9 MR. JOHNSON: Yes. I just wanted to talk to you about the
10 next witness. The -- this witness was a little bit out of
11 order. Because the witness -- just tell me when you can hear
12 me.

13 HEARING OFFICER MEYERS: Sorry. The postman is here. I
14 can hear you. Go ahead.

15 MR. JOHNSON: All right. Well, let -- let's excuse Mr.
16 Moss, and then maybe we can have a discussion. You're on mute.

17 HEARING OFFICER MEYERS: Mr. Moss. Thank you very much.
18 We appreciate your time here today. I don't anticipate that
19 you are -- will be recalled, but you are subject to recall by
20 either party. I want to remind you that the rule of
21 sequestration is in effect. Please don't discuss your
22 testimony with anyone. Thank you again for coming. We
23 appreciate it. Have a nice afternoon.

24 THE WITNESS: Thank you, Madam Hearing Officer.

25 HEARING OFFICER MEYERS: Thank you.

1 THE WITNESS: Bye-bye.

2 HEARING OFFICER MEYERS: All right. And Mr. Johnson,
3 what's -- what's up with your next witness?

4 MR. JOHNSON: Well, our next witness who we had sort of
5 planned to put in the rotation probably Monday, but it looks
6 like we could do it today is actually sick and got sick last
7 night and is not really close to a hundred percent right now.
8 Now, you know, seeing as we're going to be going Monday or
9 Tuesday anyway, I can take him first on Monday and we can
10 just --

11 HEARING OFFICER MEYERS: Okay.

12 MR. JOHNSON: Is that okay? And just call it a day?

13 HEARING OFFICER MEYERS: Okay. And how many witnesses do
14 we have for next week, approximately?

15 MR. JOHNSON: I think it's going to end up being six or
16 seven from the Employer, maybe eight. It's somewhere in the
17 six to eight range.

18 HEARING OFFICER MEYERS: Okay. But we can try to get done
19 by Tuesday?

20 MR. JOHNSON: I think so.

21 HEARING OFFICER MEYERS: Mr. Ruoco, how much rebuttal do
22 you think you'll have?

23 MR. ROUCO: If we have rebuttal at all, it'll be one
24 witness.

25 HEARING OFFICER MEYERS: Excellent. I'm pleased to hear

1 that.

2 MR. ROUCO: It's not -- wait -- okay. So it's
3 not -- okay. I can't -- I can ask -- to mention that, I mean,
4 right now, as things stand right now, if I have one, I only can
5 think of one. Now, if Harry, you know, gets somebody out
6 there, the next witnesses on Tuesday -- or Monday and Tuesday
7 and they start saying a bunch of crazy stuff, then I may have
8 to get a rebuttal.

9 HEARING OFFICER MEYERS: Okay.

10 MR. DAVIES: And Madam Hearing Officer, you asked Richard
11 how many witnesses he had. You didn't ask me how many I had.

12 HEARING OFFICER MEYERS: I'm sorry. Richard was down
13 there being very expressive.

14 Mr. Davies, how many witnesses do you have?

15 MR. DAVIES: Well, I'll -- I'll condition Richard's one
16 and say hopefully only one.

17 HEARING OFFICER MEYERS: Okay. And that would be one for
18 each of you or one together, because it was my understanding
19 that you guys were --

20 MR. DAVIES: Yeah.

21 HEARING OFFICER MEYERS: -- tag-teaming here.

22 MR. DAVIES: No. One -- one together. I
23 just -- sometimes I need to make sure that Richard --

24 HEARING OFFICER MEYERS: That you're included?

25 MR. ROUCO: You -- you just -- you just made it sure that

1 I'm not -- that I'm not getting over, you know, too far over my
2 skis.

3 HEARING OFFICER MEYERS: Okay. So let's recess
4 until -- and again, we're -- Thursday and Friday we are off.
5 We will reconvene on Monday morning at 9 a.m. Central Standard
6 Time, 10 a.m. Eastern Time.

7 Does that -- Mr. Johnson, will you still be in Alabama?

8 MR. JOHNSON: Yes. That's -- it's fine to start at 9
9 Central.

10 HEARING OFFICER MEYERS: Excellent. So we will start at 9
11 a.m. Hopefully, your witness will be feeling better.

12 And are there any other preliminar -- or any other
13 housekeeping matters we should address before we --

14 MR. JOHNSON: There's just one. And -- and I mean,
15 George, we've had ten issues by that, whether you can take a
16 stipulation on that one issue, you know, the topic study --

17 MR. DAVIES: Oh, yeah.

18 MR. JOHNSON: -- and just get it in.

19 MR. DAVIES: Yeah. Let me look at it again. We had
20 subpoenaed documents from Jefferson County and they never
21 produced those two documents and we're still trying to figure
22 out why.

23 MR. JOHNSON: Yeah. I can represent what I know is that
24 they -- it was a FOIA request that we had and that's how we got
25 it. And we produced it back to you guys.

1 MR. DAVIES: I know.

2 MR. JOHNSON: It's all.

3 MR. DAVIES: I understand

4 MR. JOHNSON: Okay.

5 HEARING OFFICER MEYERS: Okay. Are there any other still
6 pending subpoena issues that I need to know about?

7 MR. JOHNSON: We have one subpoena outstanding, but I
8 think our subpoenaed witness is going to be available either
9 Monday or Tuesday so it's not going to be a --

10 HEARING OFFICER MEYERS: Excellent.

11 And Mr. Ruoco, have you been able to resolve -- or I think
12 it was actually Mr. Davies' request for enforcement?

13 MR. DAVIES: Yeah. We'll -- we'll let you know on Monday,
14 but I'm pretty sure we're -- we've resolved that, I think.

15 HEARING OFFICER MEYERS: Excellent. Okay. With that
16 said, I expect that you guys can get together over the next
17 couple of days and resolve some of the issues surrounding the
18 subpoena issues, and we will be in recess until 9 a.m. Central
19 Standard Time on Monday, May -- hold on, I'll go look at a
20 calendar so I don't misstate -- May 24th at 9 a.m. Central
21 Standard Time. Thank you, and y'all have a nice weekend. I
22 appreciate it, and I'll see everybody at 9 on Monday.

23 **(Whereupon, the hearing in the above-entitled matter was**
24 **recessed at 2:32 p.m. until Monday, May 24th, 2021 at 9:00**
25 **a.m.)**

C E R T I F I C A T I O N

This is to certify that the attached proceedings, via Zoom videoconference, before the National Labor Relations Board (NLRB), Region 10, Case Number 10-RC-269250, Amazon.com Services, LLC and Retail, Wholesale and Department Store Union, held at the National Labor Relations Board, Region 10, Peachtree Summit Federal Building, 401 W. Peachtree Street, NE, 401 W. Peachtree Street, NE, Suite 2201, Atlanta, Georgia 30308, on May 19, 2021, at 9:00 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



MICHELLE MORALES

Official Reporter